# BLYTHE CITY COUNCIL AND BLYTHE REDEVELOPMENT AGENCY



## AGENDA SEPTEMBER 25, 2007

6:00 P.M.

Robert Crain, Mayor Charles Grotke, Vice Mayor Alfonso Hernandez, Councilman Joseph DeConinck, Councilman Beverly Mays, Councilwoman Les Nelson, City Manager Virginia Rivera, City Clerk

MEETINGS ARE HELD IN THE CITY COUNCIL CHAMBER, 235 NORTH BROADWAY, BLYTHE, CALIFORNIA

#### **AGENDA**

#### **BLYTHE CITY COUNCIL MEETING**

#### AND



#### BLYTHE REDEVELOPMENT AGENCY

#### **SEPTEMBER 25, 2007**

6:00 P.M.

PLEDGE OF ALLEGIANCE	•	
<b>INVOCATION:</b> by Invitation	1	
ROLL CALL:		
Mayor Robert Crain	City Attorney Zundel	Public Works Dir. Rodkey
Vice Mayor Charles Grotke	City Manager Nelson	Planning Director Wellman
Councilman Hernandez	Asst. City Mgr. Hull	City Engineer Aaby
Councilman DeConinck	Treasurer Martin	Golf Course Supt. Lanphere
Councilwoman Mays	Finance Dir. Colbert	Fire Chief Kem
City Clerk Rivera	Police Chief Whitney	

#### ADDED STARTER

CALL TO ORDER: Mayor Crain

The City Council may add an item to the Agenda after making a finding that there is a need to take immediate action on the item and that the item came to the attention of the City Council and/or staff subsequent to the posting of the Agenda. An action adding an item to the Agenda requires a 2/3 vote of the City Council (4 of 5 Councilmembers). If less than 2/3 of the City Council is present, adding an item to the Agenda requires a unanimous vote.

#### **CONSENT CALENDAR**

Items on the Consent Calendar are considered routine and will be enacted with one motion of the Council. If any item requires individual consideration, it will be removed from the consent calendar and acted upon separately.

- 1. Posting of the Agenda: The summary of agenda items was posted on the bulletin boards on the outside of the public entrance to the Council Chamber and near the inside entrance of the Council Chamber on Friday, September 21, 2007.
- 2. Approval of the Minutes of the regular meeting of July 10<sup>th</sup>, Continued Meeting from July 10<sup>th</sup> to July 12<sup>th</sup> and regular meeting of August 14, 2007.

Approval of Warrants Register, **09/11/07**, warrants numbered 46053 thru 46168 in the amount of \$129,181.85; **09/25/07**, warrant numbered 46169 thru 46297 in the amount of \$893,497.57.

- 3. Approval of Payroll Register 08/31/07, warrants numbered 39370 thru 39410 and Direct Deposits 13000 thru 13089 in the amount of \$377,557.05; 8/31/07, warrants numbered 39427 thru 39430 and Direct Deposit in the amount of \$483.22; 09/05/07, warrants numbered 39411 thru 39426 and Direct Deposit in the amount of \$27,797.51; 9/14/07, warrants numbered 39431 thru 39478 and Direct Deposit in the amount of \$433,008.95.
- 4. Second Reading and Adoption of Ordinance No. 823-07, Regulating Taxicab Services.
- 5. AN ORDINANCE OF THE CITY OF BLYTHE AMENDING CHAPTER 5.72 OF THE BLYTHE MUNICIPAL CODE
- Development Services Department Building Permits Issued for August 2007.
  - a. Staff Report
  - b. Public Comment
  - c. Recommend Approval of Consent Calendar

#### PRESENTATION:

- 1. I-10 Speedway Lucas Oil Presentation
  - a. Presentation
  - b. Public Comment
  - c. Receive and File

#### **NEW BUSINESS:**

- 1. Quechan Marina Draft Ordinance and Resolution
  - a. Staff Report
  - b. Public Comment
  - c. Recommend Discussion Only

#### 2. County Animal Control Contract

- a. Staff Report
- b. Public Comment
- c. Recommend Council Approval of Contract with Riverside County for Animal Control Services

#### 3. 07-08 Public Works Project

- a. Staff Report
- b. Public Comment
- c. Recommend Council Discussion Only

#### REDEVELOPMENT:

- 1. Approval of Minutes, July 10<sup>th</sup> and August 14, 2007 Meeting
  - a. Staff Report
  - b. Public Comment
  - c. Recommend Approval

#### 2. Balszburg Manhole Rehabilitation/Parking Lot Improvements

- a. Staff Report
- b. Public Comment
- c. Recommend Approval

#### 3. City Wide Hydrocarbon Clean-up Project Funding Assistance

- a. Staff Report
- b. Public Comment
- c. Recommend Approval

#### 4. **PVVTA Design Services**, 450 S. Broadway

- a. Staff Report
- b. Public Comment
- c. Recommend Board Approve Reprogramming \$20,000 for the Design of PVVTA's Facility

#### ADJOURN:

#### REPORTS:

- 1. City Manager's Report
  - a. Staff Report
  - b. Public Comment
  - c. Receive and File

#### **ORAL REPORTS:**

1. Oral Reports from Council and Staff

#### **PUBLIC COMMENT:**

Members of the public may address Council on items not covered in the Agenda. Speakers are asked to identify themselves and give their address. Speakers are asked to limit their remarks to 3 minutes in duration.

#### **EXECUTIVE SESSION:**

1. **Potential Litigation,** pursuant to Government Code Section 54956.9, 2 Cases, ADA Complaint, and Fourth Street Tentative Tract/Parcel Map.

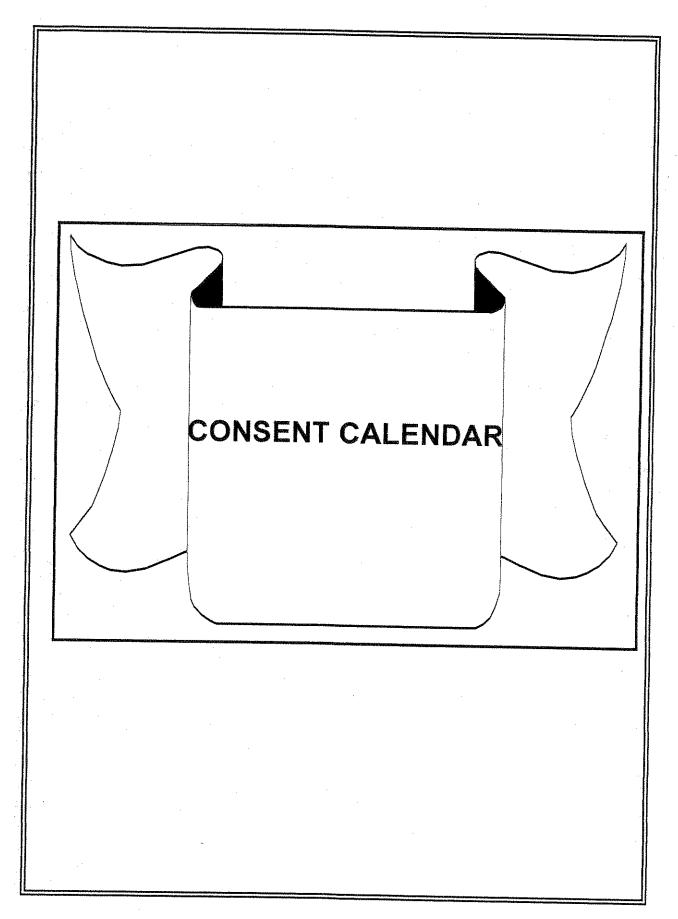
#### ADJOURN:

The Agenda is now available on the City's Website at http://www.cityofblythe.ca.gov

#### NOTE TO THE PUBLIC:



IN COMPLIANCE WITH THE AMERICANS WITH DISABILITY ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT VIRGINIA RIVERA, CITY CLERK AT (760) 922-6161 EXT. 237. NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING (28 CFR 35.104 ADA TITLE II)



## MINUTES JULY 10, 2007 BLYTHE CITY COUNCIL

The July 10, 2007 regular meeting of the Blythe City Council was called to order at 6:00 P.M. in the Council Chamber by Mayor Crain. Also in attendance were Vice Mayor Grotke, Councilmembers DeConinck and Hernandez. Staff attendance included: City Manager Nelson, City Attorney Zundel, Asst. City Manager Hull, City Clerk Rivera, Finance Director Colbert, Treasurer Martin, Police Lt. Gray, Asst. Public Works Director Nelson and City Engineer Aaby. Absent: Councilwoman Mays.

The Pledge of Allegiance was led by Vice Mayor Grotke and the Invocation was offered by Mayor Crain.

Councilwoman May's absence was excused by the Council.

#### **ADDED STARTER**

The City Council may add an item to the Agenda after making a finding that there is a need to take immediate action on the item and that the item came to the attention of the City Council and/or staff subsequent to the posting of the Agenda. An action adding an item to the Agenda requires a 2/3 vote of the City Council (4 of 5 Councilmembers). If less than 2/3 of the City Council is present, adding an item to the Agenda requires a unanimous vote.

#### **CONSENT CALENDAR:**

Items on the Consent Calendar are considered routine and will be enacted with one motion of the Council. If any item requires individual consideration, it will be removed from the Consent Calendar and acted upon separately.

- 1. Posting of the Agenda: The summary of agenda items was posted on the bulletin boards on the outside of the public entrance to the Council Chamber and near the inside entrance of the Council Chamber on Friday, July 6, 2007.
- Approval of Warrant Register 7/10/07, warrants numbered 45448 thru 45538 in the amount of \$137,079.63.
- Approval of Payroll Register 06/28/07, warrants numbered 38997 thru 38043 in the amount of \$118,254.73; 07/05/07, warrant numbered 39044 to 39060 and Direct Deposits in the amount of \$31,732.31. 07/10/07, warrant numbered 39061 thru 39116 and Direct Deposits in the amount of \$412,628.09.
- Approval Notice of Completion, Installation of Water and Sewer Mains with Appurtenances. -Balszburg Improvement Project.
- Development Services Department Building Permits Issued for June 2007.
   No Public comment. Councilman Hernandez moved to approve the Consent Calendar. Seconded by

Vice Mayor Grotke. Unanimous Aye vote. Absent: Councilwoman Mays.

#### **EXECUTIVE SESSION - Notice of Reportable Action**

At the June 26, 2007 Council Meeting, Council and Staff discussed the Balszburg Neighborhood Improvement Project under Potential Litigation. Staff was authorized to negotiate a Settlement with Engineered Plumbing, Inc. (EPI), the Project's General Contractor. The basic terms of the negotiated settlement are as follows:

- 1.) City will pay \$275,000 Change Order for sewer line stabilizing rock.
- 2.) Griffin Dewatering, a project subcontractor will be paid out of retention funds being held by the City. If amount exceeds retention, EPI will pay the difference.
- 3.) Final progress payment amount is \$221,500.
- 4.) EPI will be responsible to property owners for damages.
- 5.) Punch list of finishing repairs will be completed by EPI.
- 6.) All remaining contractual obligations not already completed by EPI (e.g. interior road reconstruction) will be deleted from project, with no cost obligation to the City. City will then contract to have work finished (e.g. interior road reconstruction).
- 7.) City and EPI will not pursue claims against each other.

#### **RESOLUTIONS:**

RESOLUTION NO. 07-725, Golf Course Green Fees, Proposed Increase (This item was continued).

RESOLUTION NO. 07-726, Establishing the Appropriation Limit for FY2007-08. Director of Finance Colbert reported that each year governmental entities in California must adopt a resolution establishing the dollar amount which the entity may expend from collection of all taxes to fund services to its residents. That dollar amount is the Appropriation Limit. It may increase each year by a factor comprised of the changes in population combined with the change in California per capita personal income or the change in the local assessment roll due to local nonresidential construction. No public comment.

Vice Mayor Grotke moved for the adoption of Resolution No. 07-726. Seconded by Councilman Hernandez, Unanimous Aye vote. Absent: Councilwoman Mays.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2007-08 FOR THE CITY OF BLYTHE IN ACCORDANCE WITH THE PROVISIONS OF DIVISION 9 OF TITLE 1 OF THE CALIFORNIA GOVERNMENT CODE

#### RESOLUTION NO. 07-728, Authorizing Levy of Special Taxes within CFD 2004-1 for FY2007-08.

Finance Director Colbert presented Resolution No. 07-728 authorizing the Levy of Special Taxes within Community Facilities District No. 2004-01 (Hidden Beaches). The purpose of the special tax is to pay for public improvements within the District that have been financed through a Special Tax Bond (Series 2005). The Finance Director or designee shall be responsible for preparing annually a current roll of Special Tax levies. David Taussig and Associates is the firm that has been designated to prepare this report for the City of Blythe. No public comment.

Councilman Hernandez moved for the adoption of Resolution No. 07-728 Authorizing the Levy of Special Taxes within Community Facilities District 2004-01 (Hidden Beaches) for FY 2007-08. Seconded by Councilman DeConinck. Unanimous Aye vote. Absent: Councilwoman Mays.

A RESOLUTION OF THE CITY COUNCIL ACTING AS THE LEGISLATIVE BODY OF THE COMMUNITY FACILITIES DISTRICT NO. 2004-1 (HIDDEN BEACHES) OF THE CITY OF BLYTHE AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 2004-1 (HIDDEN BEACHES) FOR FISCAL YEAR 2007-08

#### **CONTINUED BUSINESS:**

BALLOT MEASURE, City's Authorization for Hospital Business. City Manager Nelson reported that cities and counties are governed by the Government Code while hospitals work under the Health and Safety Code. The different between the Government Code and the Health and Safety Code were clearly evident back in late 2005 when the City essentially "co-signed" for the Palo Verde Health Care District on their financial obligation to LifePoint. The problem, the City does not have legal authority to be involved in the hospital business. In that philosophical content, the attached draft ballot measure (staff believe) puts the City of Blythe in a sound strategical position, if things work out between the District Board/Management/Medical staff the City Council may wish to pursue a Sales Tax Initiative with the voters as part of an overall funding approach to build a replacement hospital; if the hospital situation continues to deteriorate, the authorization will almost certainly be necessary for the City to have any real meaningful influence in the eventual outcome. The November ballot measure must be submitted to the Registrar of Voters by August 10th. Staff would defer to the City Attorney relative to how much time is necessary to get the ballot language finalized. No public comment.

Vice Mayor Grotke moved for staff's recommendation to direct City Attorney to finalize the Ballot Measure language as amended for submittal to the County Registrar of Voters no later than August 10th for voter consideration on the November 6, 2007 General Election. Seconded by Councilman DeConinck. Unanimous Aye vote. Absent: Councilwoman Mays.

APPLICATION FOR TAXICAB SERVICE, A.M. Cordova. City Manager Nelson reported that at the June 26, 2007 Council meeting, the City Council was asked to license/permit a taxicab service to A.M. Cordova. The Public Hearing was conducted and closed, and the matter was continued to tonight's meeting. Chapter 5.72 of the Blythe Municipal Code details the process and procedure whereby the City of Blythe regulates taxicab operations. The ordinance was adopted in 1948, almost 60 years ago. As might be expected, some provisions in the ordinance are dated, but others sections still work. Staff is proposing the City Council proceed as follows: 1.) Direct staff to immediately begin updating the City's Taxicab ordinance. 2.) Utilize Section 5.72.120 of the existing ordinance whereby the applicant will be issued a Temporary Permit by the Chief of Police to operate taxicab service for 60 days. 3.) Utilize applicable various other sections of the existing ordinance to effect basic regulation of the taxicab service during the 60 day temporary permit period. 4.) Adopt the revised and updated ordinance. This may or may not coincide with the end of the 60 day temporary permit period for applicant A.M. Cordova. If not, applicant will be allowed to operate under the applicable sections of the City's 1948 ordinance for their first year. Staff believes the key is to let the applicant get started as soon as possible, with the minimum necessary

regulatory oversite during the 60 day temporary permit period, and hopefully then under the revised ordinance, including a current regulatory framework for taxicab service that would likely include the following Rules and Regulations: 1.) The City of Blythe will continue to regulate the taxicab business in the community. All permits and licenses may be granted, denied, revoked, suspended or cancelled at the discretion of the City Council (Section 5.72.070). 2.) The City Council will have the authority to adopt those rules and regulations as may be necessary for the service and safety of the operation of taxicabs (Section 5.72.070). 3.) All license/permits issued shall be for a period of one year (Section 5.72.110). 4.) Customer rates will be regulated by the City Council (Section 5.72.290). The initial rate will be set by the City Council based on a comparison of rates in adjacent areas, that summary provided in writing by the applicant to the City with verification information attached. Future rate increases will be based on CPI, with extraordinary cost increases to be justified by the operator before the City Council. 5.) Applicants will be required to submit detailed information about their vehicle fleet, current list of drivers. a responsible person available to the City of Blythe, an outline of their drug testing program, maintenance program, lost and found policy and customer complaint resolution program (new section). require that company(ies) adopt color schemes and business names not similar to other taxicab operations (new section). 7.) City will require applicants to submit a written detailed explanation for their dispatch program (new section). 8.) City will require proof of insurance as acceptable to the City of Blythe Finance Department. 9.) City will require that all drivers be subject to a Department of Justice (DOJ) and FBI background checks before being issued a taxicab operating license. These costs are separate and paid by applicant directly to DOJ (\$42) and the FBI (\$24). 10.) Any existing taxicab service will be "grandfathered" in when the revised ordinance is adopted, but will have to fully comply with the City's Taxicab Ordinance when and if they apply for a new license/permit. (A.M. Cordova could fit in to this category). 11.) Meters (if utilized) shall be of a type, style and design acceptable to the City of Blythe Chief of Police. As an alternative if the taxicab operator charges "flat rates" by geographic area, the rates must be approved in advance by the City Council. 12.) Vehicles will have to be certified as mechanically safe, and that inspection must be accomplished by a licensed/certified mechanical shop, with the applicant responsible for any and all cost(s) associated with that inspection. A copy of the mechanical inspection must immediately be provided to the City of Blythe. The California Government Code allows cities to recover their cost of regulating the taxi industry. The amount charged represents roughly the time, overhead and labor required. staff is proposing an annual business license of \$250 per taxi per year (supercedes Resolution No. 86-51) and a permitprocessing fee of \$75 per driver permit, both amounts separate from the DOJ and FBI background check fees paid by the applicant. Angelica Cordova is in the audience to answer question. Ms. Cordova answered questions and discussed the charges for taxicab fare services rates. Public comment: Richard Contreras, 724 E. Michigan, asked why do they have to pay individual business license for each taxicab. Angelica Cordova, 1309 W. Barnard, thanked City Council for their assistance to begin a taxi service and agreed that the ordinance needs to be updated. Council went into a lengthy discussion on service fare rate, etc.

Vice Mayor Grotke moved for the following recommendations: 1.) to direct staff to immediately revise and update the City's Taxicab Ordinance. 2.) Authorize the Chief of Police to issue a (60) day Temporary Permit to applicant A.M. Cordova to operate a taxicab service in the City of Blythe, subject to City Council approval of customer service rates, drug testing program for drivers, proof of insurance, DOJ and FBI background checks and the Chief of Police's acceptance of the meter (if applicable). 3.) Conceptually endorse a 60 days temporary fee schedule and permit the proposed Rules and Regulations as delineated in this staff report. 4.) Adopt Resolution No. 07-724 setting the Taxicab Business License fee of \$250 per taxi per year and a City permit-processing fee of \$75 per driver. Resolution No. 07-724 supercedes Resolution No. 86-51 relative to the cost of a Business License for a taxicab operation. Seconded by Councilman Hernandez. Unanimous Aye vote. Absent: Counilwoman Mays.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE FIXING BUSINESS LICENSE FEE AND PERMIT-PROCESSING FEE CHARGE FOR THE OPERATION OF TAXICAB SERVICE

#### **NEW BUSINESS:**

**DONATION GUIDELINES.** Asst. City Manager Hull reported that staff has drafted a guidelines to give direction to those appropriate donations. Staff proposes to utilize the appropriate ad-hoc Council subcommittee to review items proposed for donation. **Public comment:** Leslie Watkins expressed concern with American flags not being flown on City's streets on certain holidays and asked if the flag issue could somehow be incorporated into the guidelines. No further comment. Received and file.

#### **WRITTEN COMMUNICATIONS:**

LEAGUE OF CALIFORNIA CITIES, Designation of Voting Delegate and Alternate. City Manager Nelson reported that City of Blythe Representative will be attending the League of California Cities 2007 Annual Conference scheduled for September 5 thru 8, 2007 in Sacramento. This conference is the annual business meeting where the membership takes action on conference resolutions. No public comment. Mayor Crain moved to appointed Vice Mayor Grotke as the voting delegate and Councilman Hernandez as an alternate.

#### REDEVELOPMENT AGENCY:

The Council meeting was recessed and the Council went into the Redevelopment Agency meeting.

**ORAL REPORTS FROM COUNCIL AND STAFF:** Asst. City Manager Hull reminded Council to get their photo ID's for Monterey conference at Police Department . . . he also gave a brief report on the East Blythe power outage. Mr. Hull distributed a report from Jim Lanphere that Quechan Marina collected \$1,817 at the gate.

City Manager Nelson said that LAFCO (per the results of Grand Jury investigation) has made a recommendation that Mosquito & Vector Control be annexed to the Coachella Valley Mosquito & Vector Control District. Mr. Nelson also briefly discussed the Flag issue.

Councilman DeConinck said the fireworks show was well attended. He also discussed problems with haystacks fires.

Councilman Hernandez said the firework show was nice and that traffic control was very good. He also mentioned people are leaving their fireworks trash in the streets.

Vice Mayor Grotke expressed concern with Caltrans not picking-up the trash bags on the freeway. Also at the bridge on Donlon/Hobsonway the fence is broken and needs to be fixed. Mr. Grotke also briefly reported on MWD luncheon in Los Angeles he attended dealing with the Community Improvement Fund.

Mayor Crain said Red Cross is no longer responding to residents with power outage problems.

#### PUBLIC COMMENT:

None

#### EXECUTIVE SESSION:

**REAL ESTATE NEGOTIATIONS,** pursuant to Government Code Section 54956.8, Sale of 145 N. Spring Street to Palo Verde College.

LABOR NEGOTIATIONS, pursuant to Government Code Section 54957.6, Blythe Police Officer's Association Sworn Unit.

#### **RECONVENE:**

**SALES OF 145 N. SPRING STREET.** Motion by Vice Mayor Grotke, seconded by Councilman Hernandez, the Council voted unanimously to approve the date of sale of 145 N. Spring Street to Palo Verde College for \$450,000, paid over 7 years in equal installments. Absent: Councilwoman Mays.

**LABOR NEGOTIATIONS.** Motion by Councilman DeConinck, seconded by Vice Mayor Grotke, the Council voted unanimously to approve Resolution No. 07-727 adopting the compensation plan and Memorandum of Understanding addenda for the Blythe Police Officer's Association Sworn Unit for FY07-08 and FY08-09.

and F100-09.		
ADJOURN: The Council adjourned at 8:20 p.m.		
ATTEST:	Robert A. Crain, Mayor	
Virginia Rivera, City Clerk		ø

## MINUTES CONTINUED MEETING OF JULY 10, 2007 JULY 12, 2007 BLYTHE CITY COUNCIL

The Continued Meeting (from July 10, 2007) of the Blythe City Council was called to order at 6:00 P.M. in the Council Chamber by Mayor Crain. Also in attendance were Vice Mayor Grotke, Councilmembers DeConinck and Hernandez. Staff attendance included: City Manager Nelson, Finance Director Colbert and Treasurer Martin.

Councilwoman Mays was excused from the meeting due to potential conflict of interest.

RESOLUTION NO. 07-729, Adopting the Fiscal Year 2007-08 Operating & Capital Budget. Finance Director Colbert reported that the Department of Finance prepared the revenue projections which were submitted along with the department appropriations to the City Manager for review. The City's Budget Ad Hoc Committee met with the department directors individually to review the appropriation requests and adjustments were made, allowing each department to explain to the committee their needs and concerns as it related to the budget. The capital projects planned for fiscal year 2007-08 are primarily funded by Measure A, CDBG funds, State Loan Proceeds, State Grants, and Redevelopment Agency contributions. No public comment.

Vice Mayor Grotke moved for the adoption of Resolution No. 07-729. Seconded by Councilman DeConinck. Unanimous Aye vote. Absent: Councilwoman Mays.
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA ADOPTING THE FISCAL YEAR 2007-08 OPERATING AND CAPITAL BUDGET

#### ADJOURN:

The Council adjourned at 6:30 p.m. (Estimated time).

	Robert A. Crain, Mayor
ATTEST:	
Virginia Rivera, City Clerk	
(SEAL)	

#### MINUTES AUGUST 14, 2007 BLYTHE CITY COUNCIL

The August 14, 2007 regular meeting of the Blythe City Council was called to order at 6:00 P.M. in the Council Chamber by Mayor Crain. Also in attendance were Vice Mayor Grotke, Councilmembers Mays and Hernandez. Staff attendance included: City Manager Nelson, City Attorney Zundel, Asst. City Manager Hull, City Clerk Rivera, Treasurer Martin, Police Chief Whitney and Public Works Director Rodkey. Absent: Councilman DeConinck.

The Pledge of Allegiance was led by Vice Mayor Grotke and the Invocation was offered by Councilwoman Mays.

Councilman DeConinck's absence was excused by the Council.

#### ADDED STARTER

The City Council may add an item to the Agenda after making a finding that there is a need to take immediate action on the item and that the item came to the attention of the City Council and/or staff subsequent to the posting of the Agenda. An action adding an item to the Agenda requires a 2/3 vote of the City Council (4 of 5 Councilmembers). If less than 2/3 of the City Council is present, adding an item to the Agenda requires a unanimous vote.

#### **CERMONIAL:**

**PRIVATE DONATIONS, Gateway Park.** The Yellow Ribbon Committee presented a check in the amount of \$15,000 to the City of Blythe for Gateway Park. Gordon Beer, Present, Rotary Club presented a check in the amount of \$5,000 to the City of Blythe for Gateway Park.

#### **CONSENT CALENDAR:**

Items on the Consent Calendar are considered routine and will be enacted with one motion of the Council. If any item requires individual consideration, it will be removed from the Consent Calendar and acted upon separately.

- 1. Posting of the Agenda: The summary of agenda items was posted on the bulletin boards on the outside of the public entrance to the Council Chamber and near the inside entrance of the Council Chamber on Friday, August 10, 2007.
- Approval of Warrant Register 6/29/07, warrants numbered 45543 thru 45659 in the amount of \$453,233.61; 06/29/07, warrants numbered 45865 thru 45905 in the amount of \$786,674.66; 7/24/07, warrants numbered 45539 thru 45542 and 45735 thru 45749 in the amount of \$480,842.52; 8/14/07, warrants numbered 45750 thru 45864 in the amount of \$288,544.97.
- 3. Approval of Payroll Register 07/11/07, warrants numbered 39117 thru 39185 in the amount of \$37,642.20; 07/20/07, warrant numbered 39186 thru 39244 and Direct Deposits in the amount of \$431,537.61; 08/03/07, warrants numbered 39245 thru 39315 and Direct Deposit in the amount of \$476.006.74.
- 4. Approval of Renewal Lease Agreement, Riverside County Office of Aging, Nutrition Program.
- 5. Approval of Annual Reaffirmation of City Investment Policy FY 2006-07.
- Approval Notice of Completion, Sewer Manhole Rehabilitation Project 2007.
- 7. Donation Guidelines (Removed from the Consent Calendar).
- 8. Development Services Department Building Permits Issued for July 2007.
- Police Department Monthly Activity Report for May & June 2007.

No Public comment. Vice Mayor Grotke requested that Item #7 be removed from the Consent Calendar and added to New Business Item No. 2 for discussion. Vice Mayor Grotke moved to approve the balance of the Consent Calendar. Seconded by Councilwoman Mays. Unanimous Aye vote. Absent: Councilman DeConinck.

#### **PUBLIC HEARINGS:**

LIGHTING DISTRICT, Detachment of Territory from Lighting District No. 1; Annexation of Territory to Lighting Districts No. 1 and No. 2 for Fiscal Year 2007-08. City Manager Nelson reported that the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the California Streets and Highways Code) requires the City Council to conduct proceedings in order to levy annual assessments, detach or annex

territory, or increase assessments within assessment districts formed under the Act (including Lighting District No. 1 and 2). At its' May 8, 2007, meeting, the City Council adopted Resolution No. 07-701 & 07-702, initiating proceedings for the levy and collection of assessments within City of Blythe Lighting Districts No. 1 and 2 for fiscal year 2007-2008. At its June 12, 2007, meeting, the City Council adopted Resolution No. 07-710, declaring its intention to detach territory from Lighting District No. 1; adopted Resolution No. 07-712 declaring its intention to levy and collect assessments within Lighting District No. 1 for fiscal year 2007-08; adopted Resolution No. 07-714 declaring its intention to annex territory to Lighting District No. 2 and to levy and collect assessments within such territory for fiscal year 2007-08; and adopted Resolution No. 07-715 declaring its intention to levy and collect assessments within Lighting District No. 2 for fiscal year 2007-08. All four resolutions of intention set August 14, 2007, as the public hearing date for protests to the levy of annual assessments and the annexation. Subsequent to the June 12, 2007, meeting notice was mailed to the owners of the properties within the territory to be annexed, along with a ballot for such owners to indicate support for, or opposition to, the proposed annexation. The notice indicated the amount of the proposed assessment for their respective parcels and the date, time and place of the public hearing on the proposed annexation. The notice also included a summary of the procedures governing the ballot process. John Friedrich, Consultant was in the audience to answer questions and help tabulate the vote. The Mayor opened the Public Hearing. Public comment: Joseph Swain, 30-847 Sterling Rd, Cathedral City, said he supports the adoption of the resolutions. There was no further public comment, the hearing was closed. The ballot was tabulated and the City Clerk reported the results: Yes vote 85.6% and no vote 14.4%.

Councilman Grotke moved to adopt Resolution Nos. 07-730, 07-731, 07-732 and 07-733. Seconded by Councilwoman Mays. Unanimous Aye vote. Absent: Councilman DeConinck. RESOLUTION NO. 07-730. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE CONFIRMING A DIAGRAM

AND ASSESSMENT, ORDERING THE IMPROVEMENTS AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN CITY OF BLYTHE LIGHTING DISTRICT NO. 1 FOR FISCAL YEAR 2007-2008 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAY CODE

RESOLUTION NO. 07-731. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE CONFIRMING A DIAGRAM AND ASSESSMENT, ORDERING THE IMPROVEMENTS AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN CITY OF BLYTHE LIGHTING DISTRICT NO. 2 FOR FISCAL YEAR 2007-2008 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

RESOLUTION NO. 07-032. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE ORDERING THE DETACHMENT OF TERRITORY FROM CITY OF BLYTHE LIGHTING DISTRICT NO. 1

RESOLUTION NO 07-733, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE ORDERING THE ANNEXATION OF TERRITORY TO CITY OF BLYTHE LIGHTING DISTRICT NO. 2, CONFIRMING A DIAGRAM AND ASSESSMENT, ORDERING THE IMPROVEMENTS AND THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN SUCH TERRITORY FOR FISCAL YEAR 2007-2008 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

#### **RESOLUTIONS:**

RESOLUTION NO. 07-725, Golf Course Fee Schedule and Refund Policy. City Manager Nelson reported the City of Blythe must implement several corrective actions (including a revised fee structure) that will return the Golf Course operation to fiscal soundness. Staff proposed a basic 5 year recovery plan. Some elements of the plan will have to be submitted at a later meeting with the accompanying documentation, while other elements will evolve and change as circumstance dictates. Step 1: The golf course will sell its maintenance facility, equipment and inventory to the Blythe Redevelopment Agency for \$1 million over a 5 or 6 year period. Two hundred thousand (\$200,000) will be paid immediately (October 31, 2007) to the Enterprise Fund with the \$800,000 balance due in the last year. Secured by a Promissory Note the RDA will make 6% interest payments (\$48,000) on the balance in the interim years (FY08-09, 09-10, 10-11 and perhaps 11-12) with the balloon balance due October 31, 2112. It's a sale and lease back transaction that will be financed out of the Agency's tax-exempt fund. It is also a transaction that is structurally necessary to prop-up the Golf Course Fund, infusing some cash necessary to stabilize the operation. While chronologically the first step in the recovery plan, this element also requires more documentation (e.g. Sale and Lease Back Agreement) that will be submitted later for Council/RDA consideration. Step 2: The nominal adjustments in the golf course fee schedule (increases every other year) have not arrested the operation's decline into its deficit. Staff is proposing a 5 year fee schedule that should keep our course relatively competitive in the market, while achieving financial solvency in FY11-12. Aside from rate increases, the revised fee schedule also anticipates immediately eliminating the 5 day/7 day monthly pass, a \$25,000 contribution increase from the General Fund in the third year, and by the fifth year maybe eliminating the annual pass. To make payment options more convenient for our customers, the Blythe Municipal Golf Course will begin accepting credit card payments no later than September 1, 2007. Step 3: For at least the last ten years the golf course has consistently/continually lost money, culminating in a deficit that would be about \$1 million by the end of FY07-08. Constantly short of funds, the product is the best staff can make it with very little money, but it's not good

enough if the City is going to ask the customers to pay more to play. Beginning in FY 09-10 the City of Blythe Municipal Golf Course will embark on a series of significant course improvements to enhance the playing experience for our customers, including new equipment and additional maintenance personnel. Council may wish to consider an advisory Ad Hoc Committee to help prioritize and sequence (and even identify) the improvements desired by the playing public. **Public comment:** Quenton Hanson, said he does not support the Recovery Plan, saying the City should appoint an independent committee to evaluate the golf course finances.

Councilwoman Mays moved for the adoption of Resolution No. 07-725 establishing the Blythe Municipal Golf Course fee schedule for the next 5 year period, including the immediate elimination of the 5 day/7 day monthly passes. Seconded by Councilman Hernandez. Unanimous Aye vote. Absent: Councilman DeConinck.

A RESOLUTION OF THE BLYTHE CITY COUNCIL ADOPTING GOLF COURSE GREEN FEE SCHEDULE AND REFUND POLICY

#### **NEW BUSINESS:**

CITY FLAG DESIGN. Asst. City Manager Hull reported that at Council's direction, staff installed three flag poles at the new Gateway Park. The third pole was intended for a new City flag. Attached to the staff report are several ideas that have been assembled for Council's consideration. Staff would like to go forward with a City of Blythe flag. Public comment: Richard Contreras, 724 E. Michigan, recommended a change in the City's logo – something new and colorful. Millie Rodriguez, 514 N. Lovekin, asked why the citizens of Blythe don't have an input, open the flag design up to the public. Quenton Hanson, 830 Oleander, said get citizens involvement through the Art Committee. Sheila Melgarejo, 916 W. Wells, asked why the letter "b" is not capitalized in Blythe. Asst. City Manager Hull suggested to take it to the Park/Recreation sub-committee and bring back to Council. Council agreed.

**POLICY GUIDELINES FOR PRIVATE DONATIONS.** Asst. City Manager Hull reported that the City's Donation Guidelines were discussed with Council at the meeting of July 10, 2007 and are presented for adoption. No public comment. Vice Mayor Grotke asked to add No. 11 should be major contributors to new City projects will be eligible for recognition on the City commemorative plaque.

Councilman Hernandez moved to add No. 11 as amended. Seconded by Vice Mayor Grotke. Unanimous Aye vote. Absent: Councilman DeConinck.

#### WRITTEN COMMUNICATIONS:

**REQUEST FOR ASSISTANCE – Sheltering Wings Corporation.** City Manager received a request from Sheltering Wings Corporation seeking \$2,556 as a 1/3 contribution toward the local match share necessary to receiving a Department of Rehabilitation Establishment Grant. A similar request was made to Riverside County, and it was conveyed to City staff that the County would participate if the City participated. No public comment.

Councilman Hernandez move to approve the non-budgeted expenditure of \$2,556 as the City of Blythe's 1/3rd contribution towards the local match share to receive a Department of Rehabilitation Establishment Grant for Sheltering Wings Corporation. Seconded by Councilwoman Mays. Unanimous Aye vote. Absent: Councilman DeConinck.

**DISTRICT ATTORNEY'S OFFICE, Riverside County.** City Manager Nelson received correspondence from County of Riverside District Attorney's office who will be offering training session for compliance with the Brown Act. No public comment. Received and file.

**DOBB'S ELECTRONICS, Duffers For Children.** City Manager Nelson received correspondence from Duffers Fore Children requesting the City to donate the green fees for their Fourth Annual Charity Golf Tournament for abused children on September 15, 2007. **Public comment:** Allan Aloway, Dobbs, gave a brief report on the program and how the benefit proceeds are spent to help area youth.

Vice Mayor Grotke moved to approve the donation of green fees for the Duffers Fore Children Golf Tournament. Seconded by Councilman Hernandez. Unanimous Aye vote. Absent: Councilman DeConinck.

#### REDEVELOPMENT AGENCY:

The Council meeting was recessed and the Council went into the Redevelopment Agency meeting.

#### **REPORTS:**

City Manager's Report. City Manager Nelson reported at the Council meeting of July 10, 2007, staff approached the City Council with draft language for a ballot measure regarding the City's authorization to be involved in hospital business. The language envisioned a process whereby the measure would be a City

Council Initiative. Upon further legal review, staff has been advised the Council Initiative process is procedurally not the right way to get the measure before the voters. The attorneys (3) helping staff point to Government Code Section 37651 that indicates the authorization to be involved in hospital business needs to qualify for the ballot by a voter petition, requiring signatures from 15% of the certified registered voters. In 2005 Blythe had 5,363 registered voters. The differences between the Council Initiative and a voter petition process are very substantial. With the City Initiative the City Council unilaterally initiates the process getting the measure on to the ballot; with a voter petition the City maintains an arm's distance throughout the process. Someone, or some other entity, is responsible for printing the petitions and circulating them for signature by registered voters. The City Council must have an adopted Ordinance in place before the signature gathering describing what the City's authorization actually includes. Finally, through the County Registrar of Voters signatures are checked and certified to be registered voters. In sum, the procedural process for putting the City's hospital authorization measure on a ballot for voter consideration has become significantly "removed" and very much more time consuming. The City can have no financial participation in making it happen. It will require an organized effort separate and outside the City organization. At this point, staff is thinking the measure could get on a ballot in February, June or November 2008.

At the time of this writing there is still no FY2007-08 budget for the State. The hold-up is in the Senate and some of what staff has read indicates there may very well be no budget until sometime after August 20<sup>th</sup>. The Assembly passed their version and adjourned until August 20<sup>th</sup>. Exactly what this means for the City of Blythe and our funds that pass through Sacramento is not yet clear. Staff does know that some governmental entities that rely on regular State appropriations are eligible for, and are applying for, "TRANS loans" which per staff understanding is essentially a line of credit.

Governmental expenditures almost always require a uniform bidding procedure, and that procedure includes bid documents, public advertising and a cost/price evaluation to determine on an impartial basis who is the lowest responsive and responsible bidder. It's a prescriptive process with statutory-required timelines. Not required, however, is the City's off-and-on practice of staff asking Council to approve the request of bids for projects identified in the City's adopted budget. It's a step that only adds time to a procurement process that is not especially time sensitive to begin with, plus the City Council always has the final say when they make a determination regarding the award of bid. Unexpected projects that are not budgeted are different, and staff should always notify Council in advance about soliciting bids for these projects, at a minimum through an appropriation request for an unbudgeted expenditure.

Miscellaneous . . . Granite work crews will begin mobilizing for the Balszburg road work with actual paving scheduled to start on or about August 20<sup>th</sup> . . . likely to be on ballot in 2008 is another eminent domain measure and a reconsideration for term limits. . . City Manager will be on vacation the last 2 weeks of August. No public comment. Received and file.

**ORAL REPORTS FROM COUNCIL AND STAFF.** Chief Whitney gave a brief update on traffic issues on Broadway . . . also gave update on the Christmas parade route starting on N. Fifth and ending at Kmart.

Councilwoman Mays complimented the Street Department for a wonderful job in refreshing the lines in the street.

Councilman Hernandez thanked Public Works and the Park Department for a good job on Gateway Park.

Vice Mayor Grotke also thanked Parks for work on Gateway Park . . . Mr. Grotke also said the KOA Franchise is now in operation.

Mayor Crain said Caltrans and their work crew are cleaning-up the ramps on Interstate 1-10 . . . S. Main Street has seen a lot of clean-up with weed abatement. Mayor Crain said certain City bills can be paid by September 1<sup>st</sup> and in 18 months virtually all City bills should be payable on line.

#### **PUBLIC COMMENT:**

Mary Evans asked to have a time clock reinstalled somewhere and also PVVTA should provide a tour to Intaglios figures.

Quenton Hanson, 830 Oleander, said classes start next week on N. Spring St. He also said the Chanslorway rubberized asphalt looks nice.

Sheila Melgarejo, 916 W. Wells, asked about earthquake preparedness and emergency response services.

10

#### **EXECUTIVE SESSION:**

**PERSONNEL AND POTENTIAL LITIGATION,** pursuant to Government Code Section 54957 and 54956.9, Regarding Appeal of Termination, one case, D. Miller.

POTENTIAL LITIGATION, pursuant to Government Code Section 54956.9, Western Land and Farming LLC, one case.

#### **RECONVENE:**

**NOTICE OF APPEAL – D. Miller.** By unanimous vote the City Council assigned the Appeal Hearing to a mutually agreed upon hearing officer. Absent Councilman DeConinck.

#### ADJOURN:

The Council adjourned at 8:55 p.m.

ATTEST:	Robert A. Crain, Mayor
Virginia Rivera, City Clerk	
(SFAI)	

#### ORDINANCE NO. 823-07

## AN ORDINANCE OF THE CITY OF BLYTHE AMENDING CHAPTER 5.72 OF THE BLYTHE MUNICIPAL CODE

The City Council of the City of Blythe ordains as follows:

**SECTION 1:** Chapter 5.72 of the Blythe Municipal Code, which was enacted in 1948, and amended in 1957, 1978 and 1980, requires revision to provide a current framework within which to regulate taxicab business in the City of Blythe. Chapter 5.72 of the Blythe Municipal Code is amended to read as follows in Attachment "A"

SECTION 2: Savings Clause. Neither the adoption of this ordinance nor the repeal of any other ordinance of this City shall in any matter affect the prosecution for violations of the ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions application to any violation thereof. The provisions of the ordinance, insofar as they are substantially the same as ordinance provisions previously adopted by the city relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

**SECTION 3**: The City Clerk shall certify to the passage of this Ordinance and cause the same to be published and circulated in the City of Blythe. This Ordinance shall take effect and be in force 30 days after its final passage.

**PASSED, APPROVED, AND ADOPTED** this 25<sup>th</sup> day of September 2007, by the following called vote, to wit:

AYES: NOES: ABSENT:	
ATTEST:	Mayor Robert A. Crain
Virginia Rivera, City Clerk	
(SEAL)	
APPROVED AS TO FORM:	
J. Scott Zundel, City Attorney	

#### **ATTACHMENT "A"**

#### 5.72.010 Definition.

"Taxicab" means every automobile or motor-propelled vehicle of the distinctive color of public appearance, such as is in common usage in this country for taxicabs, used for transportation of passengers for hire over the streets of the city, and not over a defined route, irrespective of whether the operations extend beyond the boundary lines of the city, at rates for distance traveled, or for waiting time, or for both, when such vehicle is routed under direction of such passengers or persons hiring the same; however, charter buses are not included within the definition of "taxicabs." (Ord. 505 § 1, 1978: Ord. 251 § 1, 1957: Ord. 175 § 1, 1948)

#### 5.72.020 Permit--Required.

No person shall operate a taxicab within the city without first having obtained a written permit for the operation of such vehicle under and in accordance with the terms and conditions prescribed in this chapter. (Ord. 175 § 2(a), 1948)

#### 5.72.030 Permit--Application.

Applicants for taxicab permits shall file with the City Council an application upon blanks provided by the city Police Department, containing such information as is required by the rules and regulations of the City Council pertaining to the operation of taxicabs. The application shall be accompanied by a fee as set by resolution of the city council for the first vehicle and a fee set by resolution of the city council for each additional vehicle covered by the license. (Ord. 571 § 2 (part), 1980; Ord. 467 § 1 (part), 1975; Ord. 175 § 2(b), 1948)

#### 5.72.040 Driver's permit--Required.

No person shall operate any taxicab, as defined in Section 5.72.010, upon the streets of the city, and no person who owns or controls any such vehicle shall permit it to be so driven, and no such taxicab shall be so driven unless the driver of said taxicab has first obtained and has then in force a driver's permit issued under the provisions of this chapter. (Ord. 251 § 6 (part), 1957: Ord. 175 § 2(c) (part), 1948)

#### 5.72.050 Driver's permit--Application.

A. Any person may apply to the city for a permit to operate a taxicab by filing with the chief of police upon forms supplied by the city Police Department an application containing the following information:

- 1. Name, address, and other pertinent applicant information;
- 2. Convictions, if any, in the courts of any state of the United States or in any United States court:
- 3. The endorsement of the owner by whom he is to be employed as driver;
- 4. Number and expiration date of his/her valid Driver's License;
- 5. Such other information regarding the character and experience of the applicant as may be necessary or desirable to enable the chief of police to ascertain applicant's qualifications for a driver's permit.
- 6. Department of Justice and Federal Bureau of Investigations Livescan fingerprint check to be processed through the Blythe Police Department.
- B. Upon receipt of the application, the chief of police or his/her designee shall also

conduct an investigation of each applicant for a driver's permit. On the basis of this investigation and the results of the Department of Justice and Federal Bureau of Investigations background checks, he/she shall approve or reject the application. A permit may be denied for any of the following reasons:

- 1. Person under the age of twenty-one years;
- 2. Person has been convicted of a felony or of any offense involving moral turpitude;
- 3. Person has been convicted of driving a vehicle recklessly or while under the influence of intoxicating liquors within a period of three years prior to the date of the application.
- 4. Person has been convicted of driving a vehicle while under the influence of narcotics;
- 5. Person not possessing a valid driver's license;

(Ord. 498, 1978; Ord. 251 § 6 (part), 1957; Ord. 175 § 2(c) (part), 1948)

#### 5.72.060 Driver's permit--Filing with city clerk.

Each driver's permit granted by the city council must be filed with the city clerk or his/her designee, who shall collect the sum set by resolution of the city council. The clerk or his/her designee shall deliver to each permittee such evidence of the issuance of the driver's permit and of the identity of the holder thereof as the city council may prescribe. (Ord. 571 § 2 (part), 1980; Ord. 467 § 1 (part), 1975; Ord. 175 § 2(d), 1948)

#### 5.72.070 Rules and regulations.

The city council shall have the authority to adopt such rules and regulations as may be necessary for the service and safety of the operation of taxicabs. Permits provided for in this chapter may be granted, denied, revoked, suspended or cancelled as to any person or applicant whenever, in the exercise of reasonable and sound discretion, the city council determines that the provisions of this chapter have or have not been complied with, or that the permittee or applicant is or is not a fit and proper person to be in charge of or operate a taxicab, as may be determined by the rules and regulations pertaining to the operation of and the extent, quality and character of the service of such vehicle. (Ord. 175 § 3(a), 1948)

#### 5.72.080 Driver's permit--Revocation or suspension.

From the time of the revocation or during the suspension of any permit, no person whose permit is revoked or suspended shall drive, operate or be in charge of any taxicab, or permit any taxicab on which the license has been revoked or suspended to engage in the operation of such vehicle as a taxicab, or allow any such taxicab to stand while awaiting employment at a location designated in such revoked or suspended permit, or until the period of suspension has expired. (Ord. 175 § 3(b), 1948)

#### 5.72.090 Issuance and suspension of permits.

The chief of police of the city may issue the permits required by this chapter at the direction of the city council, and he/she may suspend any of the permits mentioned in this chapter whenever the permittee has not complied with the provisions of this chapter or has been convicted of a felony, reckless driving, the use, sale, possession, or transportation of narcotics, or for assault or battery, or has charged rates other than those which the permittee has on file with the city council and as set forth in this chapter, or has violated any of the rules and regulations of the city council pertaining to the operation of and extent, quality and character of service of taxicabs. (Ord. 175 § 4(a), 1948)

#### 5.72.100 Suspension of permit subject to council approval.

The action of the chief of police in suspending any of the permits provided for in this chapter shall be subject to the ratification and approval of the city council without further action at any of its meetings held subsequent to the action of the chief of police, but not later than thirty (30) days thereafter. (Ord. 175 § 4(b), 1948)

#### 5.72.110 Term of permits.

All permits issued under the provisions of this chapter shall be for a period not to exceed one year, and all such permits shall expire upon such date as may be fixed by the city council. (Ord. 175 § 5, 1948)

#### 5.72.120 Temporary permit.

Regardless of the provisions of Section 5.72.200, this section grants a further authority to the chief of police as follows: the chief of police has authority to issue a sixty-day temporary permit, revocable at any time by the chief of police, permitting a person to temporarily operate a taxicab within the city, pending a complete background investigation by said chief of police or his/her designee of any applicant driver of a taxicab. The chief of police shall have the right to revoke any such sixty-day temporary permit at any time by verbal or written notice to such applicant driver or to the registered owner of any such taxicab by any verbal or written notice to such registered owner. After the expiration of any sixty-day temporary permit, unless said person complies with Sections 5.72.130 through 5.72.150 and 5.72.180, said sixty-day temporary permit shall automatically expire and be of no further force and effect. The Chief of Police has authority to grant a sixty (60) day extension as necessary in extenuating circumstances. (Ord. 396 § 1, 1970: Ord. 175 § 19, 1948)

#### 5.72.130 Permit--Public hearing.

No permit for the operation of any taxicab shall be granted until the city council, after a public hearing, conducted in accordance with the rules and regulations prescribed by the city council, determines that public convenience and necessity require the operation of such taxicab. The declaration of public convenience and necessity shall not be necessary for the granting of the same number of permits held by the applicant under the same name and color scheme on the date prescribed by the city council for the expiration of permits, and such permits shall be classed as renewals and shall be granted automatically on the filing of an application unless the applicant violates other provisions of this chapter. (Ord. 251 § 2 (part), 1957: Ord. 175 § 6 (part), 1948)

#### 5.72.140 Permit--Granting.

If the city council finds that further taxicab service in the city is required by public convenience and necessity and that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this chapter and the rules promulgated by the city council, the city shall issue a permit stating the name and address of the applicant, the number of vehicles authorized under said permit and the date of issuance; otherwise, the application shall be denied. (Ord. 251 § 2 (part), 1957: Ord. 175 § 6 (part), 1948)

#### 5.72.150 Permit--Criteria for council decision.

In making the findings, the city council shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience and responsibility of the applicant. (Ord. 251 § 2 (part), 1957: Ord. 175 § 6 (part), 1948)

#### 5.72.160 Effect of permits.

Each permit issued under the provisions of this chapter shall entitle the owner thereof to obtain a business license to engage in the business described in such permit from the city finance department, upon the payment of the business license fee. The finance department clerk shall issue such license. (Ord. 175 § 9, 1948)

#### 5.72.170 Taxi stands.

- A. Permits may be issued to owners of taxicabs allowing such vehicles while awaiting employment to stand at certain designated places upon the street.
- B. No such permit shall be granted except upon the application of the person desiring such stand, filed with the city council, stating the number of taxicabs for which the permit is sought, and the proposed location of such stand.
- C. The application must contain either the written consent of the occupant of the first floor of that portion of the building or property in front of which it is desired that such vehicle shall stand or, if such building is used for hotel purposes, the written consent of the person operating such hotel.
- D. If there is no building on the premises in front of which it is desired that such taxicab shall stand, or if there is a building and the first floor is unoccupied, then such permit may be granted on the written consent of the owner of such building or premises.
- E. Not more than three taxicabs shall be permitted to stand on any one side of a street within the limits of any one block.
- F. No permit shall be issued for any taxicab to be located within three hundred feet of another stand on the same side of the street.
- G. The city council may, after exercising reasonable discretion, grant renewals or extensions of permits for such stand.
- H. The fee payable to the city for each cab stand permit issued shall be as set by resolution of the city council, in addition to the further sum payable by each taxicab owner or operator for one taxicab and the sum for each additional taxicab.
- I. No owner or driver of any taxicab shall stand while awaiting employment at any place other than a stand designated by the city council and assigned to the owner of such vehicle.
- J. Stands may be occupied for a period of twenty-four hours a day except where standing, stopping and parking of vehicles is otherwise prohibited during any portion of twenty-four hours. (Ord. 571 § 2 (part), 1980; Ord. 467 § 1 (part), 1975; Ord. 175 § 10, 1948)

#### 5.72.180 Insurance requirements.

No permit shall be issued or continued in operation unless there is in full force and effect a liability insurance policy issued by an insurance company authorized to do business in the state, deposited with the city clerk, and providing for each taxicab vehicle authorized under this chapter, a minimum of two hundred fifty thousand dollars (\$250,000.00) for bodily injury to any one person, five hundred thousand

dollars (\$500,000.00) for bodily injury to more than one person, and one hundred thousand dollars (\$100,000.00) property damage resulting from any one accident, or a combined single limit of five hundred thousand dollars (\$500,000.00). Said insurance shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder of a permit under this chapter, his servants or agents. (Ord. 635 § 1, 1987: Ord. 251 § 2 (part), 1957: Ord. 175 § 6 (part), 1948)

#### 5.72.190 Transferability.

No permit issued under this chapter may be sold, assigned, mortgaged, transferred, or interest therein diminished without the written consent of the city council being first had and obtained. (Ord. 251 § 3, 1957: Ord. 175 § 14, 1948)

#### 5.72.200 Exceptions.

Any motor-propelled vehicles may transport a passenger or passengers from a point outside to a destination within the city or may proceed through the city while en route to a destination outside the city without the issuance of a permit under this chapter, and such operations shall not of themselves constitute engaging in the operation of a taxicab within the city. (Ord. 251 § 5, 1957; Ord. 175 § 16, 1948)

#### 5.72.210 Operation restrictions.

Taxicabs for which permits have been issued shall be operated by the owner thereof or by an employee of the owner. No owner or driver of any such taxicab shall enter into any contract, agreement or understanding between themselves by the terms of which such driver pays to, or for the account of, such owner, a fixed or determinable sum for the use of such taxicab. (Ord. 175 § 7, 1948)

#### 5.72.220 Issuance restrictions.

A. No taxicab permit shall be issued to any person until a standard, distinctive and uniform color scheme has been adopted by the applicant and approved by the city council, which designates by color the owner of said taxicab.

B. No permit shall be issued to any person whose color scheme, name, monogram or insignia is in conflict with or imitates any color scheme, monogram, name or insignia used by another concern in such manner as to be misleading or tend to deceive or mislead the public. (Ord. 175 §§ 7 (part), 8, 1948)

#### 5.72.230 Display of certain information required.

Every taxicab shall display in the rear of the driver's seat and in the passenger's compartment, in full view of the passengers, a card not less than two inches by four inches nor more than two and one-half inches by five inches, which has printed thereon the owner's name under which he operates and the business address and telephone number of such owner together with the rates to be charged for such vehicle. (Ord. 175 § 11 (part), 1948)

#### 5.72.240 Markings.

Every taxicab shall have painted upon the door of said cab the name under which the owner operates, together with the telephone number and the cab number. The number of the cab and the telephone number shall be painted upon the rear of said vehicle. All of the lettering mentioned in this section shall be not less than two and one-half inches in height and not less than five sixteenths inch stroke. (Ord. 175 § 11 (part), 1948)

#### 5.72.250 Vacant signs.

Every taxicab may display an electrically lighted vacant sign attached to the top of such cab. Every such sign shall be not more than two and one-half inches by nine inches in length. (Ord. 175 § 11 (part), 1948)

#### 5.72.260 Sign restriction.

No person shall display any sign other than those mentioned in Sections 5.72.230 through 5.72.250 without first obtaining the written permission of the city council to do so. (Ord. 175 § 11 (part), 1948)

#### 5.72.270 Additional passengers.

The passengers of a taxicab shall have the full and exclusive right to the passenger compartment, and no owner or driver of such taxicab shall solicit or carry additional passengers. (Ord. 175 § 11 (part), 1948)

#### 5.72.280 Use of most direct route required.

Any driver employed to carry passengers to a definite point shall take the most direct route possible that will carry the passengers safely and expeditiously to their destination. (Ord. 175 § 11 (part), 1948)

#### 5.72.290 Charges restricted.

No person shall charge, collect, demand, receive or arrange for any compensation for the service of any taxicab any amount, rate or compensation greater than the charges or rates regulated by the City Council. Rate increases shall be approved by the City Council before implementation, and any extraordinary increase must be justified by the operator before the City Council. (Ord. 175 § 11 (part), 1948)

#### 5.72.300 Taximeters.

A. It is unlawful for any owner or driver to operate any taxicab in the city unless and until such vehicle is equipped with a taximeter of such type, style and design as may be approved by the Blythe Police Department and certified annually by the County of Riverside Department of Weights and Measures, and it is the duty of every owner operating a taxicab to maintain such taximeter in such condition that it will at all times correctly and accurately indicate the correct charge for the distance traveled and waiting time. Such taximeters shall be at all times subject to inspection by the Blythe Police Department which is authorized at its instance or upon complaint of any person to investigate or cause the taximeter to be

investigated, and, upon discovery of any inaccuracy in said taximeter, to remove or cause the same to be removed and not to be used until it has been correctly adjusted.

- B. Taxicabs not equipped with meters operating in the city at the effective date of the ordinance codified in this chapter shall be equipped as soon as delivery can be obtained. Under no condition shall the date of installation of said meters be more than one hundred eighty days from the effective date of the ordinance codified in this chapter.
- C. Every taximeter shall be equipped to register the cost of transportation of passengers in the city and the taximeter shall be so placed in the taxicab that the display showing the amount to be charged may be readily seen by the passengers in the taxicab. It is unlawful for any owner, driver or operator of a taxicab in the city to charge any sum in excess of the amount shown on said dial for conveyance in said taxicab.
- D. It is unlawful for a taxicab driver, while carrying passengers, to display the flag or the device attached to the taximeter in such position as to denote that the vehicle is for hire or to cause the taximeter to record when the vehicle is not actually employed or to fail to cause the device on the taximeter to be placed into a nonrecording position at the termination of each and every service.

  E. It is unlawful for the owner or driver of any taxicab in the city to fix, charge or collect for service a rate more or less than the rate set by resolution of the city council. (Ord. 206 § 1, 1951; Ord. 178 § 1, 1948; Ord. 175 § 12, 1948)

#### 5.72.310 Daily manifest.

Every driver shall maintain a daily manifest upon which all trips made each day are recorded, showing time and place of origin and destination of each trip and amount of fare. All such completed manifests shall be returned to the holder of the permit under this chapter at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver by the holder of the permit under this chapter and shall be of a character approved by the Chief of Police, and shall be made available for inspection at the request of the Chief of Police or his/her designee. (Ord. 251 § 7, 1957: Ord. 175 § 17, 1948)

#### 5.72.320 Vehicle inspection and Maintenance

All taxicabs shall be inspected by a certified mechanic, at the cost of the operator, on an annual basis. The operator will submit a form certifying the vehicle(s) as mechanically safe along with his/her annual renewal forms.

#### 5.72.330 Penalty for violation.

Any person violating any of the provisions of this chapter shall be guilty of an infraction and, upon conviction thereof, shall be punishable by a fine not exceeding five hundred dollars (\$500.00) and possible suspension or revocation of his/her driver's permit. (Ord. 251 § 8, 1957: Ord. 175 § 18, 1948)

#### 5.72.340 Unauthorized/Unlicensed Operators

Any person found providing taxi service within the City of Blythe without first obtaining a City of Blythe Taxicab Operator's and/or Driver's Permit shall be guilty of an infraction and, upon conviction thereof, shall be punishable by a fine not exceeding five hundred dollars (\$500.00).

- Palo Verde Irrigation District's D-16 canal lies along the east side of the project site on North Broadway. PVID must maintain D-16 Canal as long as there are water users south of the proposed project requiring service from PVID. The developer/applicant shall coordinate undergrounding of D-16 Canal with Palo Verde Irrigation District personnel. The location, size and depth of the undergrounding shall comply with PVID requirements. The developer/applicant shall enter into an undergrounding agreement with PVID. The developer/applicant shall bear all costs for undergrounding of PVID facilities. Said agreement shall be entered into prior to submittal of public improvement plans and/or final map request to the City of Blythe; a signed copy of said agreement shall be provided to the City Planning Department by the developer/applicant.
- 75. A Real Estate Disclosure shall be recorded for each of the parcels located within the subject project to ensure that prospective buyers are informed of potential conflicts or impacts that may arise with regard to agricultural lands in production. A sample Real Estate Disclosure follows:

#### Sample Real Estate Disclosure

This property is located adjacent to or within close proximity of agricultural lands in production. Use of farm equipment, both ground and air; use of chemicals, including herbicides, pesticides and fertilizers; noise; and dust, are all components of agricultural production. You may wish to consider what liabilities, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

76. A Real Estate Disclosure shall be provided to prospective buyers that inform them of the impacts/risks associated with the close proximity of the Project site to the Arizona/California Railroad. A sample Real Estate Disclosure is attached.

#### Sample Real Estate Disclosure

This property is located within an area adjacent to the Arizona/California Railroad and is subject to potential noise impacts from passing trains and any risks associated with the unlikely event of a train derailment. You may wish to consider what liabilities, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

- 77. The developer/applicant shall record CC&R's containing a home owner's association against the property, acceptable to the Planning Director and City Attorney.
- 78. Playground equipment, meeting current ADA standards, valued at no less than \$10,000 and not more than \$25,000, shall be installed/constructed in the retention basin for use by the project residents. Provisions for maintenance and replacement of the playground equipment shall be made in the CC&R's.

## City of Blythe PERMITS ISSUED

#### For the Period 8/1/2007 thru 8/31/2007

Permit No./Issued	Type/Sub-Type/Status	Site Address and Parcel No.	Owner and Contractor	Valuation	Total Fees	Paid
B0708-036 8/30/2007	CONC	200 NORTH LOVEKIN BOULEV 845100016	HPD RIVERSIDE M & E CONSTRUCTION	1,500.00	89.10	89.10
	ISSUED	Permit SIDEWALK REF				
B0707-029	ELEC	711 YUCCA DRIVE	CITY OF BLYTHE LANDSCAP	0.00	49.50	49.50
8/16/2007	FINALED	Permit TEMPORARY P	CORONEL CONSTRUCTION OWER POLE			
B0708-025	ELEC	17130 RIVIERA DRIVE	WILLIAM & LINDA MEANY	0.00	67.50	67.50
8/23/2007	FINALED	869400019  Permit Up grade to 200A	SHAWN COPELAND system			
B0708-016	ELEC	481 SOUTH SIXTH STREET	HASLER, RONALD & BRENDA	1,650.00	54.00	54.00
8/15/2007	FINALED	848172019 Permit NEW 100 AMP N	JOHNSON CYLE ELECTRIC IN METER			
B0708-003	EXCAV	W HOBSON between COMMER(		0.00	722.00	722.00
8/29/2007	ISSUED	Permit HYDROCARBO	HOLGUIN FAHAN & ASSOCIA N-FOR CITY COMMINGLED PLUN	1E #5		
RC0708-001	EXCAV	16870 WEST HOBSON WAY	COUNTY OF RIVERSIDE	0.00	141.00	141.00
8/30/2007	ISSUED	824080004 Permit WATER METER	JWL CONSTRUCTION COMPA INSTALLATION TO CITY WATER	LINE		
B0706-007	EXCAV	RIGHT OF WAYS (SEE CUT SH.		0.00	150.00	150.00
8/21/2007	GAS CO ISSUED	Permit JUNE BLANKET	SOUTHERN CALIFORNIA GA:			
B0707-031	FENCE	701 YUCCA DRIVE	BUFFIN & CORONEL ET	1,650.00	47.50	47.50
8/16/2007	ISSUED	842141006 Permit BLOCK & WOO!	CORONEL CONSTRUCTION  D & LAWN SPRINKLER			
B0708-010	FENCE	1411 MESQUITE ROAD	ANDREW & MARGARET WRI	390.00	47.00	47.00
8/20/2007	BLOCK ISSUED	851160003 Permit BLOCK	OWNER			
B0707-032	FENCE	705 YUCCA DRIVE	BUFFIN & CORONEL ET	0.00	47.50	47.50
8/16/2007	ISSUED	842141005 Permit BLOCK & WOO!	CORONEL CONSTRUCTION  D & LAWN SPRINKLER			
B0707-030	FENCE	301 SOUTH SIXTH STREET	MELECIO A MADRID	600.00	47.00	47.00
8/10/2007	BLOCK FINALED	848172001 Permit BLOCK & WROU	OWNER JGHT IRON w/CONDUIT FOR FUT	URE ELEC		
B0708-028	FIRE	411 EAST HOBSON WAY	YOUNG ET AL	850.00	59.41	59.41
8/29/2007	ISSUED	845164009 Permit SUPPRESSION	FIRELINE INC			
B0705-059	GARAGE	2618 CLEARWATER DRIVE	FERNANDO & MANUELA GUI	30,022.50	846.57	846.57
8/3/2007	ISSUED	833360011 Permit INCLUDES PATI	BURROW CONSTRUCTION O & DECK			
B0708-001	GARAGE	610 NORTH TENTH STREET	JACKIE & MAUREEN HALE	4,000.00	160.96	160.96
8/15/2007	CARPORT FINALED	857083001 Permit CARPORT	OWNER			
B0708-022	GARAGE	301 SOUTH SIXTH STREET	MELECIO A MADRID	2,000.00	114.76	114.76
8/28/2007	ISSUED	848172001 Permit ENCLOSE CARP	OWNER			

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#### City of Blythe PERMITS ISSUED For the Period 8/1/2007 thru 8/31/2007

-			•		•	*
Permit No./Issued	Type/Sub-Type/Status	Site Address and Parcel No.	Owner and Contractor	Valuation	Total Fees	Paid
B0708-017 8/29/2007	GARAGE CARPORT ISSUED	236 SOUTH BROADWAY 848071004 Permit CARPORT	MARCIAL AND IRMA ALVAR OWNER	4,680.00	184.06	184.06
B0708-002 8/23/2007	GRADING ISSUED	534 RANCHETTE ROAD 857221003 Permit	RANCHETTE ESTATES BURROW CONSTRUCTION	0.00	258.25	258.25
B0708-004 8/29/2007	HYDRO ISSUED	200 BLOCK WEST HOBSON WZ 845132017 Permit FOR CITY COM	HOSSAIN SAHLOLBEI HOLGUIN FAHAN & ASSOCIA MINGLED PLUME #5	0.00	94.00	94.00
B0708-005 8/29/2007	HYDRO ISSUED	301 WEST HOBSON WAY 845131015 Permit FOR CITY COM	J & R JIREH INC HOLGUIN FAHAN & ASSOCIA MINGLED PLUME #5	0.00	94.00	94.00
B0708-006 8/29/2007	HYDRO ISSUED	300 WEST HOBSON WAY 848041003 Permit FOR CITY COM	KIM & TIENG SEA HOLGUIN FAHAN & ASSOCIA MINGLED PLUME #5	0.00	94.00	94.00
B0707-007 8/16/2007	LANDS ISSUED	1575 EAST CHANSLOR WAY 85722 Permit & IRRIGATION	RANCHETTE ESTATES ESB LANDSCAPE	22,000.00	603.36	603.36
B0707-035 8/3/2007	MECH ISSUED	1455 WEST HOBSON WAY 836180022 Permit	KMART CORP/FIFTH STREET MARKET REFRIGERATION SI	57,000.00	249.88	249.88
B0708-015 8/24/2007	MH FINALED	8301 EAST HOBSON WAY #92 857160021 Permit IN PARK-1173 S	J/L Diamond Llc/EI RANCHO E: ADAM WRIGHT CONSTRUCT Q FT	50,000.00	1,647.00	1,647.00
B0708-018 8/15/2007	OTHER BLOCK FINALED	505 WEST FOURTEENTH AVEY 848110005 Permit	SOUTHERN CALIFORNIA WHIPPLE CONSTRUCTION SE	21,000.00	557.57	557.57
B0707-020 8/1/2007	PATIO FINALED	3968 ACE COURT 821242046 Permit ALUMAWOOD	MESA BLUFFS DEV CO JERALD R. SCHILREFF	4,992.00	184.06	184.06
B0708-032 8/29/2007	PATIO ISSUED	3934 ACE COURT 821242044 Permit ALUMAWOOD	MESA BLUFFS DEV CO JERALD R. SCHILREFF	5,005.00	207.16	207.16
B0707-022 8/1/2007	PATIO FINALED	2961 FAIRWAY DRIVE 821241001 Permit ALUMAWOOD	MESA BLUFFS DEV CO JERALD R. SCHILREFF	6,162.00	230.38	230.38
B0707-023 8/1/2007	PATIO FINALED	3948 ACE COURT 821242045 Permit ALUMAWOOD	MESA BLUFFS DEV CO JERALD R. SCHILREFF	4,992.00	184.06-	184.06
B0707-021 8/1/2007	PATIO FINALED	2953 FAIRWAY DRIVE 821241002 Permit ALUMAWOOD	MESA BLUFFS DEV CO JERALD R. SCHILREFF	4,992.00	184.06	184.06
B0708-013 8/29/2007	PATIO ISSUED	3917 ACE COURT 821242050 Permit ALUMAWOOD	MESA BLUFFS DEV CO JERALD R. SCHILREFF	6,175.00	230.38	230.38

## City of Blythe PERMITS ISSUED

#### For the Period 8/1/2007 thru 8/31/2007

Permit No./Issued	Type/Sub-Type/Status	Site Address and Parcel No.	Owner and Contractor	Valuation	Total Fees	Paid
B0708-029 8/24/2007	PATIO ALUM AWNING ISSUED	8301 EAST HOBSON WAY #92 857160021 Permit AWNINGS (2)	J/L Diamond Llc/El RANCHO E ADAM WRIGHT CONSTRUCT	1,400.00	392.50	392.50
B0708-040 8/31/2007	PATIO SOLID ISSUED	631 SEVILLE LANE 839042014 Permit FRONT ENTRY	STEVE & JANICE DIR OWNER	2,470.00	137.86	137.86
B0708-031 8/24/2007	PATIO ISSUED	8301 EAST HOBSON WAY #92 857160021 Permit DECK	J/L Diamond Llc/EI R ADAM WRIGHT CONSTRUCT	1,200.00	196.50	196.50
B0708-026 8/28/2007	PATIO SOLID ISSUED	340 SOUTH FOURTH STREET 848162025 Permit SOLID	AUGUSTINE & DIANA SORIA OWNER	3,000.00	172.36	172.36
B0708-014 8/29/2007	PATIO ISSUED	3933 ACE COURT 821242049 Permit ALUMAWOOD	MESA BLUFFS DEV CO JERALD R. SCHILREFF	5,005.00	207.16	207.16
B0708-012 8/29/2007	PATIO ISSUED	3967 ACE COURT 821242047 Permit ALUMAWOOD	MESA BLUFFS DEV CO JERALD R. SCHILREFF	5,005.00	207.16	207.16
B0708-011 8/29/2007	PATIO ISSUED	3951 ACE COURT 821242048 Permit ALUMAWOOD	MESA BLUFFS DEV CO JERALD R. SCHILREFF	5,005.00	207.16	207.16
B0708-033 8/29/2007	PATIO ISSUED	3918 ACE COURT 821242043 Permit ALUMAWOOD	MESA BLUFFS DEV CO JERALD R. SCHILREFF	5,005.00	207.16	207.16
B0708-024 8/30/2007	PATIO ISSUED	9382 EAST HOBSON WAY 851101006 Permit EXTERIOR STA	MARJORIE IONE BLYTHE P J's HOME REPAIR & MAINT GE & LIGHTING	1,456.00	145.20	145.20
B0708-027 8/23/2007	RERF TEAR OFF ISSUED	515 WEST NEVADA STREET 842041032 Permit TO, CHANGE C	VERNON & TAMMY ALLEN BLYTHE CONSTRUCTION CC OLUMNS & INSTALL NEW FACIA	10,900.00	196.34	196.34
B0707-034 8/3/2007	RERF TEAR OFF FINALED	1334 WEST SAN GORGONIO ST 836154005 Permit TEAR OFF	CELAYA ET AL SAINDON ROOFING	3,280.00	97.75	97.75
B0708-009 8/8/2007	RERF TEAR OFF FINALED	480 SOUTH FIFTH STREET 848172039 Permit TEAR OFF	RAFAEL & CLAUDIA JAUREG JOSE L DIAZ, DBA: EMPIRE R	5,500.00	125.80	125.80
B0708-023 8/20/2007	RERF TEAR OFF FINALED	566 NORTH SIXTH STREET 842126004 Permit TEAR OFF	DANNY & MARILYN HEFNER SAINDON ROOFING	3,960.00	97.75	97.75
RC0707-004 8/21/2007	RIVCOUNTY ISSUED	10340 VERNON AVENUE 869090045 Permit REPAIR OF FIRE	IQBAL & MEHNAZ AHMED OWNER E DAMAGE	5,000.00	275.70	275.70
RC0706-006 8/20/2007	RIVCOUNTY NEED MORE INFO	16870 WEST HOBSON WAY 824080004 Permit TRIPLE WIDE C	COUNTY OF RIVERSIDE JWL CONSTRUCTION COMPA COMMERCIAL COACH	318,000.00	588.45	588.45

## City of Blythe PERMITS ISSUED

#### For the Period 8/1/2007 thru 8/31/2007

Permit No./Issued	Type/Sub-Type/Status	Site Address and Parcel No.	Owner and Contractor	Valuation	Total Fees	Paid	
RC0708-002 8/22/2007	RIVCOUNTY	18125 PALLOWALLA DRIVE 818304005	JOHN D ROBINSON OWNER	0.00	148.92	148.92	
	FINALED	Permit REMOVE-R			*** *	*	
RC0706-005	RIVCOUNTY	16870 WEST HOBSON WAY	COUNTY OF RIVERSIDE	339,000.00	592.86	592.86	
8/20/2007	NEED MORE INFO	824080004 Permit 5-UNIT COMME	JWL CONSTRUCTION COMPA ERCIAL COACH				
RC0707-007	RIVCOUNTY	10921 DEFRAIN BOULEVARD	GARY & VICKI COVEL	2,160.00	148.92	148.92	
8/7/2007	ISSUED	821150011 Permit BLOCK WALL	GENERAL CONSTRUCTION N				
MISC07-001 8/13/2007	RNEW	1270 NORTH EUCALYPTUS ST 839011002	CHARLES & MARILYN GARC RAZO POOLS	0.00	86,95	86.95	
	ISSUED		A ONLY, NO POOL				
B0707-024 8/23/2007	SFR	534 RANCHETTE ROAD 857221003	RANCHETTE ESTATES BURROW CONSTRUCTION	184,466.40	6,246.03	5,323.70	
	ISSUED		ARAGE & PATIO and Detached Gar	age			
B0702-030 8/22/2007	SFR	12325 McKINLEY DRIVE 824194009	DAN & JEAN WOOD PARADISE ASSOCIATES INC	144,111.20	3,171.78	2,671.78	
	ISSUED	Permit	THE STATE OF THE S		•		
B0707-025 8/2/2007	SFR	1240 NORTH EUCALYPTUS ST 839011004	TIMOTHY & CHRISTINA WAL BURROW CONSTRUCTION	137,408.80	5,007.49	5,007.49	
	ISSUED	Permit w/ATTACHED G	ARAGE, PORCH & PATIO				
B0611-014 8/1/2007	SIGN	228 EAST HOBSON WAY 848062003	ROGER G SLATER M D I OWNER	250.00	22.00	47.00	
	FINALED	Permit Two wall signs	ne ti a sawah				
53 Permits Issued	l from 8/1/2007Thru 8	3/31/2007	Total Valuation:		413,242.90		
			Total Fees:		\$26.325.82		

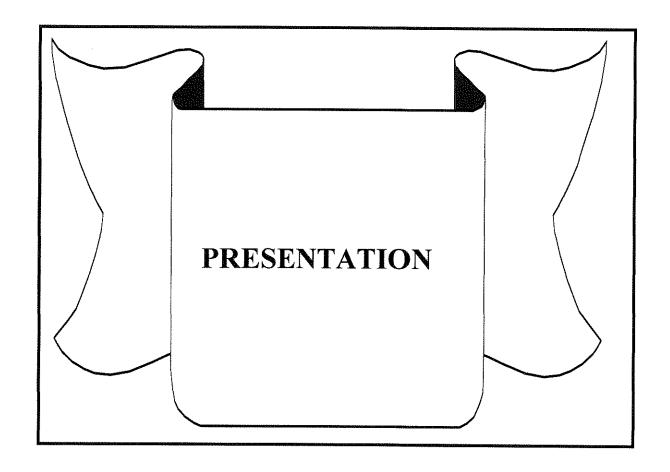
**Total Fees:** 

Total Fees Paid:

\$26,325.82

\$24,928.49





### BLYTHE CITY COUNCIL

TO:

MAYOR AND CITY COUNCIL

FROM:

A.C.M. - C. H

DATE:

SEPTEMBER 25, 2007

SUBJECT:

I-10 SPEEDWAY - LUCAS OIL PRESENTATION

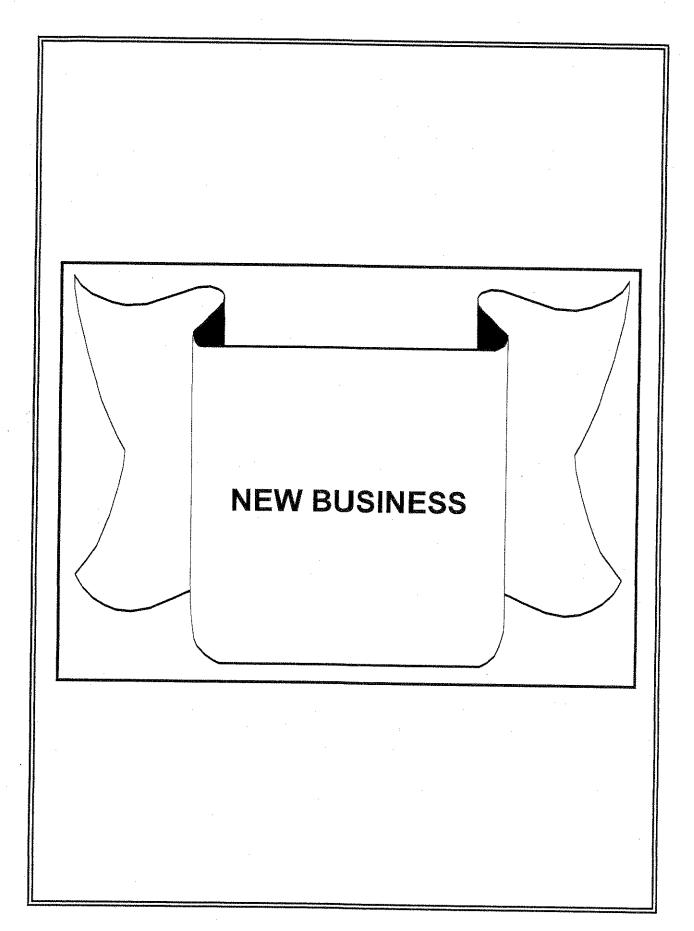
#### BACKGROUND:

Mr. Greg Scheidecker with Lucas Oil has asked to make a short presentation to Council at tonight's meeting.

#### RECOMMENDATION:

Receive and file.

Concurrence by City Manager: Owledon



#### STAFF REPORT

TO:

Mayor and City Council

FROM:

Jennifer Wellman, Planning Director ()

DATE:

September 25, 2007

SUBJECT:

Quechan Marina Draft Ordinance and Resolution

Attached for Council consideration is a Draft Ordinance that would authorize the imposition of use fees and establishment of rules and regulations for use of Quechan Marina.

Following the Ordinance, is a Draft Resolution that would set the fee amounts authorized by Ordinance and adopt rules and regulations authorized by the Ordinance.

The Draft Ordinance and Resolution are submitted for comment to the Council. No action is requested at this time.

Concurrence:

Les Nelson, City Manager

## DRAFT ORDINANCE NO. -

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLYTHE CALIFORNIA AMENDING CHAPER 12.28 OF THE BLYTHE MUNICIPAL CODE AUTHORIZING THE ADOPTION OF RULES AND REGULATIONS FOR PUBLIC USE OF QUECHAN MARINA, AUTHORIZING IMPOSITION OF USE PASS REQUIREMENTS AND USE PASS FEES FOR QUECHAN MARINA AND ESTABLISHING PENALTIES FOR VIOLATION OF USE PASS REQUIREMENTS

**WHEREAS**, Quechan Marina is a park and marina facility owned by Riverside County and operated by the City of Blythe through Memorandum of Understanding;

WHEREAS, as a public park and marina, the facility is open for day use and boat launching/retrieving by the general public; and

WHEREAS, operation and maintenance of the park and marina facility are the sole responsibility of the City of Blythe; and

WHEREAS, in order for proper operation and maintenance to be accomplished, use fees must be established; and

WHEREAS, use of the park and marina facility requires special regulation by the City in order to preserve and protect the health, safety and welfare of park and marina patrons and the general public; and,

WHEREAS, the purpose of this Section is to: 1) authorize the adoption of rules and regulations for public use of Quechan Marina; 2) authorize the sale of day use and boat launch Passes; 3) authorize imposition of fees for the sale of day use and boat launch Passes; and, establish penalties for violation of requirements.

Section 1: The City Council of the City of Blythe does hereby amend Title 12 of the Blythe Municipal Code by amending the Title of Section 12.28 and Sections 12.28.011, 12.28.021, 12.28.030, 12.28.031, 12.28.046, 12.28.051, 12.28.052, 12.28.062, 12.28.071 and 12.28.074 and by adding Sections 12.28.066, 12.28.067, 12.28.068, 12.28.069 and 12.28.070 as attached hereto.

Section 2: California Environmental Quality Act. The passage of this ordinance is not a project under CEQA nor will it have a significant impact on the environment.

Section 3: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of the ordinance. The City Council for the City of Blythe hereby declares that it would have passed this ordinance, and each section, subsection, clause, sentence or phrase thereof, irrespective of

the fact	that any	one o	r more	other	sections,	subsections,	clauses,	sentences	or	phrases	may	be
declared	l invalid	or unc	onstitut	ional.						***	-	

Section 4: The City Clerk shall certif		
as required by law. This Ordinance shall take	e effect on the 30th day foll	lowing its passage and
adoption.		
PASSED, APPROVED, and ADOPT following called vote, to wit:	ED this day of	, 2007, by the
fortowing canca vote, to wit.		
AYES:		
NOES:		
ABSENT:		
	Data de Control	
ATTEST:	Robert A. Crain, Mayo	or
PARAMETER O		
Virginia Rivera, City Clerk		
(SEAL)		

#### Chapter 12.28

## CONDUCT IN PUBLIC PARKS AND MARINA

Sections:	
12.28.011	Definitions
12.28.021	Recreation swimming.
12.28.030	Operating hours.
12.28.031	Picnic areas.
12.28.040	Fires prohibited.
12.28.042	Areas restricted.
12.28.043	Use of restrooms.
12.28.044	Use of bicycles.
12.28.045	Protection of park and
	marina property.
12.28.046	Animal prohibited.
12.28.047	Consumption of alcohol.
<i>12.28.051</i>	Selling of merchandise.
12.28.052	Advertising of merchandise.
12.28.061	Application for permits.
12.28.062	Strandards for issuance.
12.28.063	Permit rules.
12.28.066	Use pass required.
12.28.067	Application and display of
	use pass.
<i>12.28.068</i>	Use pass revocation.
12.28.069	Use pass rules.
12.28.070	Use pass fee and conditions
	for issuance.
12.28.071	Closing sections of parks or
	marina.
12.28.073	Severability.
12.28.074	$Violation ext{-}Penalty.$

#### **12.28.011** Definitions.

For purposes of this chapter, certain words are defined as follows:

- A. "Annual" means July 1 through June 30.
- B. "Annual Pass" means a pass for entrance into Quechan Marina purchased on an annual basis.
- C. "Boat Launch" means that facility, including designated parking areas, located in Quechan Marina which is constructed and maintained for the launching and retrieving of water craft into the waters of the Colorado River.
- D. "Daily Pass" means a pass purchased on a specific day for use until marina closing on that day.

- E. "Day Use" means use of facilities provided within Quechan Marina exclusive of boat launch.
- F. "Director" means the director of parks.
- G. "Fee" means a designated sum of money to be paid for entering Quechan Marina for "day use" or "boat launch" purposes.
- H. "Marina" means Quechan Marina and all facilities contained therein.
- I. "Park" means a park, playground, swimming pool, recreation center, or any other area in the city owned or used by the city and devoted to public recreation.
- J. "Pass" means the approval granted by the City on a daily or annual basis for use of day use or boat launch facilities located within Quechan Marina.

#### 12.28.021 Recreation swimming.

No person in a park shall swim, bathe, or wade in the water of any fountain, pond, lake or stream, except that wading and swimming shall be permitted in pools and marina areas designated for these purposes.

#### 12.28.030 Operating hours.

- A. All parks shall be closed, and no person shall enter or remain in any park, between the hours of ten p.m. and six a.m. without prior written permission of the director.
- B. Quechan Marina shall be open from seven a.m. to ten p.m., Monday through Sunday from October to April; from seven a.m. to ten p.m. Sunday through Thursday from May through September and from seven a.m. to eleven p.m. Friday and Saturday from May through September.
- C. Boat launch and retrieval shall be open from seven a.m. to dusk throughout the year.

#### 12.28.031 Picnic areas.

No person in a park or marina shall use any portion of the group picnic areas or similarly designated areas, or any of the buildings or structures therein, for the purpose of holding picnics or other activities to the exclusion of other persons, unless a permit has been previously obtained from the director as specified in Section 12.28.061.

#### 12.28.040 Fires prohibited.

No person in a park or marina shall make or kindle a fire for any purpose, except in facilities provided for such purpose unless prior written permission has been obtained from the director.

#### 12.28.042 Areas restricted.

- A. No person in a park or marina shall enter an area posted as CLOSED TO THE PUBLIC, nor shall any person use, or abet the use of, any area in violation of posted notices.
- B. No person shall park any vehicle or trailer in areas designated and posted NO PARKING.
- C. No person shall park any vehicle or trailer or vehicle and trailer within Quechan Marina without first having properly obtained and displayed a day use or boat launch pass.

#### 12.28.043 Use of restrooms.

No person over the age of eight years shall use restrooms or washrooms designated for the opposite sex.

#### 12.28.044 Use of bicycles.

No person in a park or marina shall ride a bicycle on other than a paved vehicular road or path designated for that purpose.

## 12.28.045 Protection of park and marina property.

No person in a park or marina shall climb any tree or walk, stand or sit upon monuments, vases, fountains, railings, fences or gun carriages.

#### 12.28.046 Animal prohibited.

No person shall lead, ride, drive or in any way bring into any park or marina any animal other than a domestic cat or a dog upon a leash or in a cage unless prior written consent has been obtained from the parks director. All animal droppings shall be removed and properly disposed of by the animal owner or person responsible for the animal.

#### 12.28.047 Consumption of alcohol.

No person shall consume any alcoholic beverage in any park except in such areas designated by the director for such consumption.

#### 12.28.051 Selling of merchandise.

No person in a park or marina shall expose or offer for sale any articles or thing, or station or place any stand, cart, or vehicle for the transportation, sale or display of such article or thing, except a regularly licensed concessionaire acting by and under the authority and regulations of the city council.

#### 12.28.052 Advertising of merchandise.

No person in a park *or marina* shall advertise in any way any article or service for sale or hire.

#### 12.28.061 Application for permit.

A permit shall be obtained from the director for exclusive use of any park or marina (or specific area thereof) facility. The application for said permit shall state:

- A. The name and address of the applicant;
- B. The name and address of the person, persons, corporation or association sponsoring the activity, if any;
- C. The day and hours for which the permit is desired;
- D. The park for which such permit is desired;
- E. An estimate of anticipated attendance;
- F. Whether or not a system for amplifying sound is proposed to be used and the purpose or purposes for which it shall be used;
- G. Any other information which the director shall find reasonably necessary to a fair determination as to whether a permit should be issued.

#### 12.28.062 Standards for issuance.

The director shall issue a permit hereunder when the following findings can be made:

A. That the proposed activity and use will not unreasonably interfere with or detract from the general public enjoyment of the park or marina;

- B. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
- C. That the proposed activity or use is not anticipated to incite violence, crime or disorderly conduct;
- D. That the proposed activity will not require any police support services, unless the same shall have been contracted for with off-duty Blythe police officers. Said officers shall continue to be in the employ of and shall be paid by the city. The permit applicant shall reimburse the city for any cost of said protection prior to the issuance of the permit;
- E. That the facilities desired have not been reserved for other use at the day and hour required in the application.
- F. Applicant may be required to provide portable restroom facilities.

#### 12.28.063 Permit rules.

A permittee shall be bound by all applicable sections of the Blythe Municipal Code fully as though the same were inserted in the permit.

#### 12.28.064 Revocation of permit.

The director shall have the authority to revoke a permit after a hearing thereon upon finding that:

- A. The activity or use unreasonably interferes with public health, welfare, safety, recreation and enjoyment of the park or marina; or
- B. The activity or use is anticipated to incite violence, crime or disorderly conduct; or
- C. The activity or use entails unusual, extraordinary and/or burdensome expense or police supervision by the city; or
- D. The system for amplifying sound, if being used, would unreasonably interfere with or detract from the general public enjoyment of the park or marina.

#### 12.28.066 Use pass required.

Each vehicle entering Quechan Marina shall pay for and secure either a day use or boat launch pass. Use passes may be purchased on a daily or annual basis. All user costs associated with Quechan Marina shall be established by City Council Resolution.

# 12.28.067 Application for and display of use pass.

- A. Daily Pass. All vehicles not having in their possession an annual pass must stop at the entrance gate to pay, register and receive the appropriate vehicle pass. The application for a daily pass shall state:
- 1. Date on which the pass is being purchased.
- 2. The name of the vehicle owner/operator.
- 3. Vehicle license number.
- 4. Vehicle type.
- 5. Type of pass: Day use vehicle parking; boat launch and parking; launch only.
- B. Display of daily pass. All vehicles entering Quechan Marina with a daily pass shall display the pass in a conspicuous location visible from the exterior of the vehicle.
- C. Annual Pass. Application for an annual pass may be made through the City of Blythe. The life of an annual pass shall run from July 1 through June 30 of the following year. Annual pass fee shall be prorated by purchase date consistent with Resolution "Fee Amounts"; purchase of an annual pass shall be based on a flat fee as provided for by Council resolution. The application for an annual pass shall state:
- 1. Applicant name..
- 2. Applicant phone number.
- 3. Applicant vehicle license number.
- 4. Pass year.
- 5. Pass number.
- D. Display of annual pass. All vehicles entering Quechan Marina with an annual pass shall display the pass in the drivers side lower left corner of the window.

#### 12.28.068 Use pass revocation.

A daily or annual Pass may be revoked by the Director or his/her representative if abuses occur or the health, safety or welfare of an individual, group or the general public is put at risk by actions of the Pass holder or a member of their group.

#### 12.28.069 Use pass rules.

The pass holder shall be bound by all applicable sections of the Blythe Municipal Code fully as though the same were inserted in the pass. The pass holder shall be bound by all Quechan Marina Rules and Regulations adopted by Council resolution as though the same were inserted in the pass.

# 12.28.070 Use pass fee and conditions for issuance.

A Fee for issuance of "day use" and "boat launch" annual and daily passes is hereby established for passes obtained for use of Quechan Marina and the facilities located therein. The city council shall, in a council resolution, set forth the specific amount of the fee which shall be used for the operation and maintenance of the facility. As described in the fee resolution, the Pass Fee shall be paid by the operator of each motor vehicle prior to entering Quechan Marina for "day use" or "boat launch" purposes. Conditions for issuance of day use and boat launch pass shall be set forth in the fee resolution and shall here after be referred to as "Quechan Marina Rules and Regulations". On a annual basis, the city council shall review the fees to determine whether the fee amounts are reasonably related to the burden of operation and maintenance of the facility.

# 12.28.071 Closing sections of park or marina.

Any section or part of the park or marina may be declared closed to the public by the director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the director shall find reasonably necessary to allow construction herein, or in situations where there exists a substantial and immediate danger to the public.

#### 12.28.073 Severability.

If any section, subsection, sentence, clause or phase of the ordinance codified in this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The city council declares that it would have passed the ordinance codified in this chapter and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

#### 12.28.074 Violation—Penalty.

Any person, firm, or corporation violating any of the provisions of this chapter, or of any permit or pass or exception granted hereunder, shall be deemed guilty of an infraction and shall be punishable as follows:

- A. A fine not exceeding fifty dollars for the first violation;
- B. A fine not exceeding one hundred dollars for the second violation of the same chapter within one year;
- C. A fine not exceeding two hundred fifty dollars for each additional violation of the same chapter within a 12 month period.

# DRAFT RESOLUTION NO. 07-\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE SETTING THE AMOUNT OF DAY USE AND BOAT LAUNCH FEES ESTABLISHED BY ORDINANCE NO. \_\_\_\_-07 TO BECOME EFFECTIVE IMMEDIATELY AND ESTABLISHING RULES AND REGULATIONS FOR USE OF QUECHAN MARINA AND THE FACILITIES CONTAINED THEREIN

WHEREAS, Quechan Marina is a park and marina facility owned by Riverside County and operated by the City of Blythe through Memorandum of Understanding;

WHEREAS, as a public park and marina, the facility is open for day use and boat launching/retrieving by the general public; and

WHEREAS, operation and maintenance of the park and marina facility are the sole responsibility of the City of Blythe; and

WHEREAS, in order for proper operation and maintenance to be accomplished, use fees must be established; and

WHEREAS, use of the park and marina facility requires special regulation by the City in order to preserve and protect the health, safety and welfare of park and marina patrons and the general public; and,

WHEREAS, the City Council adopted Ordinance No. \_\_\_\_-07 authorizing issuance of annual and day use and boat launch Passes for Quechan Marina; and,

WHEREAS, Ordinance No. \_\_\_\_-07 created and established the authority for imposing and charging fees for issuance of such Passes; and,

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Blythe, as follows:

#### A. Fees Amount:

Day-use parking

Day-use parking with boat launch

Boat launch only – parking outside of Marina

Annual day use with boat launch — \$150.00 July 1 – June 30 prorated at \$12.50 month to not less than \$50.00

- B. <u>Rules and Regulations:</u> The following rules and regulations shall be posted in a prominent location at the entrance to Quechan Marina and shall be printed on the reverse of all Passes issued for use of the Marina.
  - 1. During peak season (May-Sept) Quechan Marina opens at 7:00 A.M. and closes at 10:00 P.M., except Friday and Saturday when the park closes at 11:00 p.m. During the off-peak season (October April) Quechan Marina opens at 7:00 A.M. and closes at 10:00 P.M. seven days a week.

- 2. All vehicles must stop at the entrance gate to pay and register, and receive the appropriate vehicles pass. General parking is \$5 per vehicle. A vehicle with a water craft is \$8. Pedestrians, bicycle riders and passengers arriving by public transit pay no admission.
- 3. Marina boat launch opens at 7:00 A.M. throughout the year and closes at dusk.\*
- 4. Pets are allowed on leash only. Do not leave unattended. All droppings must be cleaned up. Please keep pets quiet.
- 5. Campfires in Quechan Marina are allowed only in designated areas. There is no cutting of live trees. Visitors are welcome to bring charcoal or propane barbecues. Fires may not be left unattended. There is no burning of plastic or garbage allowed. Operation of a chainsaw is not allowed in the park.
- 6. Alcohol is allowed for adults. Minors in possession of alcohol or illegal substances will be evicted with no refund and the Blythe Police Department will be notified. Adults causing problems (including intoxication) may be evicted with no refund.
- 7. Speed limit in Quechan Marina is 10 m.p.h.
- 8. Bicycles are allowed in Quechan Marina. No unlicensed motorized vehicles and no ATV's are allowed to operate on park property.
- 9. Adults with children under 13 years of age must watch them while swimming in the lagoon.
- 10. No glass containers are allowed in Quechan Marina, on the beach, in the water, or in the park area.
- 11. Small children are not allowed in restrooms unattended.
- 12. Washing cars or boats on park property is prohibited.
- 13. The City of Blythe assumes no responsibility for accidents, injuries or losses from any cause.
  - Caution: Waterfront sites have steep banks in some locations, dropping off into deep water. If you have small children, <u>PLEASE</u> do not allow them near the lagoon or river without supervision. Life jackets and other floatation devices are encouraged for children under six years old.
- 14. Disregard for the enjoyment of others, the abuse of property or creating a disturbance can result in your removal from Quechan Marina without a refund.
- 15. Drive and park vehicles in designated areas only.
- 16. Overnight camping is not allowed in Quechan Marina. \*\*
- 17. Please follow these simple rules for safety and for park enjoyment. They will be enforced.
  - \* Special group early launch arrangements <u>may</u> be made in advance through the City of Blythe Parks Department.

- \*\* Group overnight camping for organizations <u>may</u> be allowed with adequate advanced notice and a Park Use Permit arranged through the City of Blythe Parks Department. Please call 922-0844 for a permit application.
- C. <u>Use of Fees</u>: The fees shall be solely used for the operation, maintenance and improvement of Quechan Marina.
- D. <u>Fee Review</u>: Annually, as part of the budget process, the City Manager shall review the estimated cost for operation and maintenance of Quechan Marina and review the cost estimates for physical improvements within the Marina. The City Manager shall report his/her findings to the City Council at a noticed public hearing and recommend any adjustment to this fee or other action as may be appropriate and necessary.
- E. <u>Annual Fee Adjustment</u>: An inflationary increase in the Use Fee amounts may occur annually, effective on the anniversary date of the implementation date of this resolution. Said increase shall be based on the index number for the prior quarter in accordance with the Consumer Price Index for all Urban Consumers for the Los Angeles-Anaheim-Riverside area, published by the United States Department of Labor, Bureau of Labor Statistics; provided however, that any such annual increase shall not exceed five percent (5%) per annum.
- F. <u>Judicial Action to Challenge this Resolution</u>: Any judicial action or proceeding to attack, review, set aside, void, or annul this resolution shall be brought within 120 days of the date of adoption of this resolution.
- G. <u>Severability</u>: If any provision, clause, or paragraph of this resolution or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this resolution or other fees levied by this resolution which can be given effect without the invalid provisions or application of fees, and to this end the provision of the resolution are declared to be severable.
- H. <u>Supersedes Prior Resolution</u>: As of the effective date of this resolution, this resolution shall supersede Resolution 06-640.
- I. <u>Effective Date</u>: This resolution shall become effective immediately upon its adoption by the Blythe City Council.

PASSED, APPROVED AND ADOPTED this following vote called to wit:	day of	, 200, by the
AYES: NOES: ABSENT:		
	Robert Crain, Mayor	
Virginia Rivera, City Clerk		

(SEAL)

## **BLYTHE CITY COUNCIL**

TO: Mayor and City Council

FROM: James B. Gray, Lieutenant

DATE: September 19, 2007

**SUBECT: County Animal Control Contract** 

#### **BACKGROUND**

The City of Blythe requires Animal Control Services to be uninterrupted to preserve the public health. At this time, with our Animal Control Officer out on a long-term medical leave of absence, we have had a Community Service Officer performing the duties on an as-needed basis.

At this time, it is in the City's best interest to contract with Riverside County Animal Control Services. They have certified personnel trained in the field, who can respond as needed.

We have been able to negotiate a contract for part-time services with Riverside County Animal Control Services that provides for our immediate needs for the next four (4) months.

#### FISCAL IMPACT

\$15,345 for services from 09/01/07 to 01/01/08

#### **RECOMMENDATION**

Staff recommends that the City contract with Riverside County Animal Services as outlined in the contract.

Respectfully submitted,

Brian Gray,

Lieutenant

Concur

Les Nelson, City Manager

Attachment: Contract with cost breakdown

#### CONTRACT FOR ANIMAL CONTROL FIELD SERVICES

THIS CONTRACT is made and entered into this twentieth day of September, 2007, by and between the CITY OF BLYTHE, a General Law City and Municipal Corporation of the State of California ("City") and the COUNTY OF RIVERSIDE, a political subdivision of the State of California ("County"), with reference to the following facts:

A. City is desirous of contracting with County to provide a broad range of animal control field services for the purpose of safeguarding the health and safety of the population of the City of Blythe and the health and safety of its domestic animals, and for the purpose of promoting the humane treatment of animals and the stimulation of public support for enforcement of City ordinances relating to animal control.

B. County has the personnel and experience to provide such service and is willing to enter into a contract with City for the provision of such services subject to the terms and conditions and for the compensation as hereinafter set forth.

C. County will house the City's animals at the Riverside County

Animal Shelter, hereinafter referred to as Shelter, located at 16450 West

Hobson Way, Blythe, California 92225. The handling of these animals will

comply with the terms of the shelter contract between the County of Riverside

and Blythe.

NOW, THEREFORE, the parties hereto mutually agree as follows:

- 1. <u>Retention of County</u>. City hereby retains County and County hereby agrees to operate animal control field services program for City within the corporate limits of the City of Blythe for the compensation and subject to the terms and conditions as hereinafter set forth.
- 2. Term. The term of this contract shall be from the date of execution of this contract through January 1, 2008 and may be renewed as needed thereafter through the amendment process. The City may terminate this contract upon 45 days written notice to the County and the County may terminate this contract with the same 45 days written notice to the City.
- 3. <u>Definition of Field Services</u>. The Animal Field Services to be provided by County for City within the corporate limits of the City of Blythe shall include the following activities:
  - (a) <u>Field Service Assistance</u>. Respond to all calls for field service assistance pursuant to the priority of calls as described in Exhibit A, attached hereto and incorporated herein by reference.
  - (b) <u>Impoundment</u>. Impound all animals picked up at large and collect such impound fees as may be established from time to time by resolution of the City Council.
  - (c) <u>Proper Care and Treatment</u>. Provide care and treatment to any stray or abandoned animal in accordance with the provisions of Sections 597.1, 597e, and 597f of the Penal Code of the State of California.
  - (d) <u>Animal Bites</u>. Investigate reported bites by animals. County shall respond in person to all reported bites by dogs or by suspected rabid or wild animals. As part of this response, County shall contact and interview the bite

victim (or the victim's parent(s) or guardian(s) in the case of a minor) as part of the bite investigation procedure. Bite reports shall indicate who reported the bite incident to County. County will also issue to City's Police Department Representative a copy of all animal bite reports within one week of occurrence.

- (e) <u>Quarantine</u>. Quarantine, as prescribed by State law and in Chapter 6.48 of the Blythe Municipal Code, all animals suspected to be rabid and/or that have bitten a person or other animal. All such animals shall receive proper veterinary care and proper nutrition for their condition.
- (f) <u>Nuisance Animal Complaints</u>. Respond to and process nuisance animal complaints.
- (g) <u>Dead Animals</u>. Remove dead animals from the public right-of-way except in such cases where the animal is on a state highway within City limits. In such cases, the State of California's Department of Transportation will be notified.
- (h) <u>Trapping</u>. Provide assistance to City residents in removal of domestic or wild animals from privately owned traps within twenty four (24) hours of being so notified. Depending upon trap availability, assist City residents in the setting of, trapping and removal, of domestic and wild animals from public and private property within seven (7) days.
- (i) <u>Return of Impounded Animals</u>. Encourage the return of any lost/stray animal (impounded by field personnel) to the rightful owner in the field subject to the payment of impound fees.

- (j) <u>Traps</u>. Offer advice and assistance in setting a trap for an animal at large or a wild animal on public or private property. County shall not be required to move belongings or maintain on-premises surveillance, unless in the opinion of the Director of Animal Services or the responding Animal Control Officer there is a direct, clear and present danger to human life. County may provide traps for above purposes with a rental fee to City residents or the City may purchase traps for the above mentioned to be used only for City residents. Traps will be available to City residents on a first come, first served basis. County is not required to provide vector control services under the provisions of this contract.
- (k) <u>Licenses for Dogs, Kennels and Catteries</u>. City shall issue all dog licenses and kennel and cattery licenses at the Blythe Police Department.
- (1) <u>Issuance of Warnings and Citations</u>. Enforce all appropriate provisions of Title 6 of the Blythe Municipal Code including the issuance of warning notices or citations as necessary for violations of the provisions of said Title 6 or state law.
- (m) Service to Public. Provide service to the public on matters covered in this contract consistent with established policies and procedures that promote courteous and efficient service and good public relations. Other policies and procedures notwithstanding, County, in processing any type of complaint or request for service, will indicate to the caller that a response can be expected as per Exhibit A (page 16). Should a second call be received after the response time has lapsed (according to Exhibit A), the on-duty supervisor

will be notified and take appropriate action. In the event an in-person response is appropriate to the specific situation, County shall make such response within 24 hours. This provision shall be subordinate to shorter time limits specified elsewhere in this contract, if applicable. A log of such activities must be maintained on a call-by-call basis and made available to the City at City's request. Log shall include:

- 1. Date and time of call
- 2. Caller information
- 3. Description of request
- 4. Expected response time
- 5. Date/time of response
- 6. Outcome
- (n) Complaints. The City and County shall designate a primary and alternate contact person for the purpose of addressing complaints.

  "Complaint" as used herein shall mean a dissatisfaction or problem in the performance of services under this contract. All complaints received by the City that require a response from County shall be made by telephone and/or electronic mail to the designated contact persons for the parties. An electronic mail response will be made by County within two (2) business days as to the resolution or ongoing response on the matter. If a response is not received within the time allotted, the City will forward a request for response to County's Director of Animal Services and in turn he/she will respond within two (2) business days. County may refer any complaint to the City's Human

Resources/Public Safety Director or designee as deemed necessary. The County shall designate a person to assure prompt reporting to the City in this regard.

4. Hours of Service. Field service activities will be performed daily, based upon the priority ranking described in Exhibit A. Any City requests involving imminent danger to the public will be forwarded by telephone and by electronic mail directly to County's Director or Deputy Director of Animal Services. All calls involving imminent danger scenarios will be responded to within 60 minutes as reasonably possible, subject to considerations involving the time of day, traffic conditions, or other uncontrollable circumstances.

County shall provide a means for responding to calls for service that take place during limited service periods (as defined below) which are of an emergency nature pursuant to Exhibit A. Field service personnel shall be assigned to patrol and other field service tasks as defined by County.

The following definitions of "regular service hours", "limited service" and "holidays" are intended to identify the broad time frames during which specific level of service will be provided. "Regular service hours" shall be deemed to mean between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, holidays excepted. "Limited service" is defined as providing essential services defined in Exhibit A of this contract from 4:00 p.m. to 8:00 a.m., Monday through Friday, all day Saturday, Sunday and on holidays. "Holidays" as used herein shall be those as established by the County of Riverside and the City of Blythe. County shall answer all telephone calls between the hours of 8am and 5pm, Monday through Friday. Calls shall be answered by the answering service after hours and on holidays, as noted above. Calls answered by the answering service will be handled on an emergency basis as outlined in Exhibit

A. The dispatcher and/or clerical support staff shall maintain a record of all requests for service, both emergency and routine, received during regular service hours and after regular service hours, including time and date, when the calls were answered and the disposition of those calls. Records of these calls shall be maintained for at least thirty (30) days. City and County agree that any incident reports to County by residents or through emergency services involving a dangerous, aggressive, wild, injured or sick animal constitutes an emergency and requires immediate action by County. When the City Manager or designee of City have reason to believe that an animal control emergency exists consistent with the Priority of Field Service, attached hereto as Exhibit A, the City Manager or designee shall notify County and request a prompt response.

Calls for service received after normal business hours that are not of an emergency nature may be received at the regular telephone number at the Shelter, recorded and scheduled for later action in accordance with the Priority of Field Service, attached hereto as Exhibit A. County must provide City with an Emergency Telephone contact list by the first day of each month if the prior contact list has changed.

- 5. <u>Shelter Care and Disposition Services</u>. The County will house City's animals at the Riverside County Animal Shelter, hereinafter referred to as Shelter, located at 16450 W. Hobson Way, Blythe, CA 92225. The handling of these animals will comply with the terms of the shelter contract between the City of Blythe and the County of Riverside.
- 6. <u>Veterinary Services</u>. The City shall be responsible for the payment of veterinarian fees incurred as a result of the enforcement of Penal Code 597 et sec.

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7. <u>Contract Performance</u>. County's Director of Animal Services or the designated representative of said Director and City's City Manager or designee shall meet as necessary, to discuss contract performance.

City shall notify County in writing of any material failure to perform under the terms of this contract and shall request County to correct such deficiencies within ten (10) calendar days or such longer period as City deems reasonable under the circumstances. A "material failure" shall be defined as the inability or unwillingness to perform all or any portion of this Agreement.

- 8. Monthly Reports. County shall furnish to the City Manager, or the designated representative of the City Manager, monthly reports including invoices detailing field services by the 25th day of the following month. The monthly reports shall contain the following data for field services of the prior month and year-to-date statistics:
  - (a) Number of dogs surrendered by owners in the field.
  - (b) Number of stray dogs impounded in the field.
  - (c) Number of dead dogs impounded in the field.
  - (d) Number of cats surrendered by owners in the field.
  - (e) Number of stray cats impounded in the field.
  - (f) Number of dead cats impounded in the field.
  - (g) Number of wild animals impounded alive in the field.
  - (h) Number of dead wild animals taken into custody in the field.
  - (i) Number of miscellaneous animals impounded in the field.
  - (j) Number of injured animals impounded in the field.
  - (k) Number of requests for service received each day.

- (1) Number of animal bite calls.
- (m) Number of sick/injured animal calls.
- (n) Number of vicious animal (imminent danger) and law enforcement calls.
- (o) Number of cruelty/animal neglect calls.
- (p) Number of nuisance animal complaints received and processed.

These monthly reports shall provide a summary of the utilization of field service employees' hours. Upon reasonable notice to County, City may inspect any facility or records to verify the data contained in the reports.

9. <u>Compensation</u>. City and County agree that the costs for services provided under this contract shall be based on the budgeted amount of the actual program costs and expenses. Special or unanticipated costs shall be billed at the actual cost to provide such services to City. The rate of apportionment of costs may be recalculated with mutual consent by a written supplement to this contract.

County shall submit a billing to City, on a monthly basis, for costs incurred during the immediately preceding month and said billing shall include the hours of such services provided, the nature of such services and the mileage incurred and City shall pay County upon such billing and accounting. The maximum amount payable by City to County under this Agreement shall not exceed \$15,345. Should the amount of \$15,345.00 not be sufficient to cover the expenses from September 1, 2007 through January 1, 2008, County shall notify City at least thirty (30) days in advance. Upon such notification, County shall discontinue services unless City provides written assurance that funds are available to defray further expenses incurred by County.

- 10. Missing or Stolen Animals. County shall file a report with the Blythe Police Department within 24 hours if an impounded animal is missing or suspected to have been stolen from an animal control vehicle or while in County custody. County shall indicate on the police report the circumstances of the animal's disappearance.
- 11. <u>Personnel, Supplies and Equipment</u>. County shall provide all personnel, supplies, medications and pharmaceuticals, and equipment necessary for the efficient and effective operation of the Animal Field Service program provided for herein, including, but not limited to, Animal Control Officers, clerical staff, vehicles, citation forms, notices and all necessary envelopes and postage as budgeted.
- 12. <u>Training of Field Personnel</u>. County, shall assign, train and supervise all field service personnel assigned to the corporate limits of the City of Blythe to perform duties under this contract. All personnel shall be trained, qualified and authorized to administer and/or enforce all laws, rules and regulations; operate all necessary equipment, have the ability to recognize animal breeds, diseases and injuries; and shall be competent to administer basic first aid to animals in the field.
- animal control vehicle with an appropriate animal control box mounted on the truck chassis and air conditioning unit mounted on the animal control truck box for use by one Animal Control Officer. County shall equip, fuel and maintain said vehicles. County shall also replace said vehicles when the vehicles reach 150,000 miles or is 5 years old, whichever comes first. The replacement cost of said vehicles shall be at the County's expense. County shall provide and maintain the radios installed in all field service vehicles and the equipment for dispatch.

14. Records. County shall maintain and keep records of all expenditures and obligations incurred pursuant to this contract and all income and fees received thereby according to generally recognized accounting principles. Such records shall be maintained by County for a minimum of three (3) years. The records and/or animal control operations of County shall be open to inspection and audit by City or its authorized representative as is deemed necessary by the City Manager or the authorized representative of the City Manager upon reasonable notice to County.

15. <u>Indemnification</u>. County shall indemnify and hold City, its officers, agents, employees and independent contractors free and harmless from any claim or liability whatsoever, based or asserted upon any act or omission of County, its officers, agents employees, volunteers, subcontractors, or independent contractors, for property damage, bodily injury or death, or any other element of damage of any kind or nature arising out of the performance of this Agreement to the extent that such liability is imposed on City by the provisions of California Government Code Section 895.2 or other applicable law, and County shall defend at its expense, including attorney fees, City, its officers, agents and employees and independent contractors in any legal action or claim of any kind based upon such alleged acts or omissions.

City shall indemnify and hold county, its officers, agents, employees and independent contractors free and harmless from any claim or liability whatsoever, based or asserted upon any act or omission of City, its officers, agents employees, volunteers, subcontractors, or independent contractors, for property damage, bodily injury or death, or any other element of damage of any kind or nature arising out of the performance of this Agreement to the extent that such liability is imposed on County by the provisions of California Government

Code Section 895.2 or other applicable law, and City shall defend at its expense, including attorney fees, County, its officers, agents, and employees and independent contractors in any legal action or claim of any kind based upon such alleged acts or omissions.

The provisions of this Paragraph 15 shall survive the expiration or early termination of this contract.

16. Insurance. County shall secure public liability and property damage insurance or maintain self-insurance reserves as shall protect it from claims for damages for personal injury, including accidental death, as well as from claims for property damage which may arise from operations under this contract. Said insurance shall be maintained in full force and effect during the term of this contract or renewals or extensions thereof. Such policy of insurance or self-insurance shall be for not less than \$1,000,000 per occurrence, \$2,000,000 aggregate for liability purposes. Additionally, County shall maintain a policy of insurance or self-insurance which shall be for not less than \$1,000,000 combined single limit for injuries, including accidental death, to any person and property damage arising for automobile usage. Any policy of insurance shall be placed with a company authorized and rated by Best Insurance Guide AVIII or better, or the equivalent thereof if another insurance guide is used, to do business in the State of California. Copies of all policies or certificates of insurance or self-insurance shall be filed with City and shall include City and it's officials, officers, employees and agents, as an additional insured. Said policies or certificates shall provide for thirty (30) days written notice to City prior to reduction in coverage or cancellation.

17. Workers' Compensation. County shall provide insurance or be self-insured as required by California law to protect said County from claims under the Workers'

Compensation Act. Upon execution of this contract, the County shall file with City either a

Certificate of Insurance showing that such insurance is in effect or that County is self-insured for such coverage. Any certificate of insurance shall state that City will be given ten (10) days prior written notice before modification or cancellation thereof.

18. <u>Independent Contractor</u>. County and the officials, officers, employees and agents of County, in the performance of this contract, shall act in an independent capacity and not as officers or employees of City. County acknowledges and agrees that City has no obligation to pay or withhold state or federal taxes or to provide workers' compensation or unemployment insurance. County as an independent contractor shall be responsible for any and all taxes that apply to County as an employer.

19. No Third Party Beneficiary. This contract between City and County is intended for the mutual benefit of the two signing parties only. No rights are created under this contract in favor of any third party or any party who is not a direct signatory to this contract.

20. <u>Notices</u>. All notices, requests, consents, approvals or other communications between the parties in connection with this contract shall be deemed given if addressed to the recipient party at its last known address and, with postage prepaid, deposited in the United States mail. The current addresses of the parties are as follows:

City <u>County</u>

City of Blythe City Manager 235 N. Broadway Blythe, CA 92225 County of Riverside Director, Department of Animal Services 5950 Wilderness Avenue Riverside, CA 92504

Either party, upon notice to the other, may from time to time change its mailing address.

21. <u>Nondiscrimination</u>. During the performance of this contract, County agrees that it shall not discriminate on the grounds of race, religious creed, color, national origin, ancestry, age, physical disability, mental disability, medical condition including the medical

condition of Acquired Immune Deficiency Syndrome (AIDS) or any condition related thereto, marital status, sex or sexual orientation in the selection and retention of employees and subcontractors and the procurement of materials and equipment, except as provided in Section 12940 of the Government Code of the State of California.

Further, County agrees to conform to the requirements of the Americans with Disabilities Act in the performance of this contract.

22. Venue. Any action at law or in equity brought by either of the parties hereto for the purpose of enforcing a right or rights provided for by this contract shall be tried in a court of competent jurisdiction in the County of Riverside, State of California, and the parties hereby waive all provisions of law providing for a change of venue in such proceedings to any other county. In the event either party hereto shall bring suit to enforce any term of this contract to recover any damages for and on account of the breach of any term or condition of this contract, it is mutually agreed that the prevailing party in such action shall recover all costs thereof including reasonable attorneys' fees to be set by the court in such action.

23. <u>Assignment</u>. Neither this contract nor any part thereof nor any moneys due or to become due hereunder may be assigned by County without the prior written consent and approval of City. City and County hereby agree to the full performance of the covenants contained herein.

24. <u>Amendments</u>. Any amendments or supplements to this contract shall be in writing and shall need the approval of the Board of Supervisors and the City Council. This is the entire agreement for field services and supersedes any prior written or oral agreement inconsistent herewith.

/ / /

1	IN WITNESS WHEREOF the parties hereto hav	ve caused this contract to be executed by their
2	authorized officers on the day and year first above	ve written.
3		
4	COUNTY OF RIVERSIDE,	CITY OF BLYTHE,
5	a political subdivision	a municipal corporation
6		
7		
8		
9	By	By
10	Chairman, Board of Supervisors	City Manager
11		
12		
13	Attest: Clerk of the Board	AttestCity Clerk
14		v
15		
16		
17		
18		
19	By	
20		
21		
22		
23	Annound of to Tome	Approximation to Forms
24	Approved as to Form:	Approved as to Form:
25	By	By
26	Deputy County Counsel	City Attorney
27		

#### EXHIBIT A

#### PRIORITY OF FIELD SERVICES

DEFINITIONS: Services are those enforcement activities rendered by County pursuant to Title 6 of the Blythe Municipal Code and related State codes and are assembled for expediency into two categories: Emergency and Non-Emergency. Priority Ranking refers to the order of priority with which a call will be handled. All calls will go directly to the dispatcher or assigned clerical staff for relay to the Animal Control Officer. If a call is "exceptional," it will be referred to the Supervisor for evaluation and processing.

An Animal Control Officer will respond to animal medical emergencies and other emergencies involving danger to humans within 30 minutes or less during regular service hours, Monday through Friday, and within 60 minutes or less on Saturdays and Sundays and after regular service hours and holidays, factors affecting response time including traffic congestion or other hindering circumstances uncontrollable by the County. Response time to non-emergency calls will be within 24-hours.

Calls considered as Emergencies to be handled Without Delay During Regular Working Hours.

Monday Through Friday.

#### PRIORITY RANKING:

- 1. Animals endangering health or safety of the community.
- 2. Aggressive stray animals at large on school grounds or playground.
- 3. Police Department requests for service.
- 4. Sick or injured stray animals.

1	5. Confined sick or injured animals.
2	6. Animals in distress.
3	7. Humane investigations – life threatening.
4	8. Livestock or equine at-large.
5 6	9. Quarantined biting animals.
7	Calls Considered as Emergencies to be Handled Without Delay After Normal Service Hours an
8	Holidays.
9	1. Animal endangering health or safety of the community.
10	2. Police Department requests for emergency service.
11	3. Sick or injured stray animals.
13	4. Animals in distress.
14	5. Humane investigations – life threatening.
15	6. Livestock or equine at-large.
16	Calls Considered as Non-Emergency to be handled Within 24-Hours During Regular Business
17 18	Hours:
19	1. Pick up confined, healthy, stray-animals.
20	2. Dead animals on private or public property.
21	3. Animals being released from quarantine.
22	4. Release of quarantined animals.
23	5. Leash law enforcement.
25	6. Nuisance animal investigations.
26	7. Permit investigations.
27	8. Dog license enforcement.
20	

#### EXHIBIT B

September 1, 2007 through January 1, 2008

## FIELD SERVICES

PERSONNEL Animal Control Officer (30 hours per month)	
Salary	\$7,494
Benefits	\$3,761
Worker's Compensation	<u>\$ 375</u>
Sub-total Salaries/Benefits	\$11,630
Stand-by Animal Control Officer	
Time: @ 2 hours/mo. x \$93.68/hour x 4 months	\$749
Mileage: @ .485/mile x 30 miles/mo. x 4 months	<u>\$ 58</u>
Sub-total Stand-by Expense	\$808
TOTAL PERSONNEL EXPENSE:	<u>\$12,438</u>
SUPPLIES and OTHER CHARGES	•
Supplies and Other Charges	\$2,907
(uniforms, communications equipment, hand tools, pharmaceuticals, overhead, etc.)	
TOTAL SUPPLIES & OTHER CHARGES:	<u>\$2,907</u>
GRAND TOTAL FIELD SERVICES:	<u>\$15,345*</u>

<sup>\*</sup>subject to prevailing County cost; includes fuel and maintenance animal control vehicle

# **Blythe City Council**

To:

**Mayor and City Council** 

From:

Jim Rodkey, Public Works Director

Date:

**September 25, 2007** 

Subject:

07-08 Public Works Projects

#### Background:

Attached herewith is the list of Public Works Capital Projects and the projected scheduling for FY 07/08.

Ves Velson

#### Recommendation:

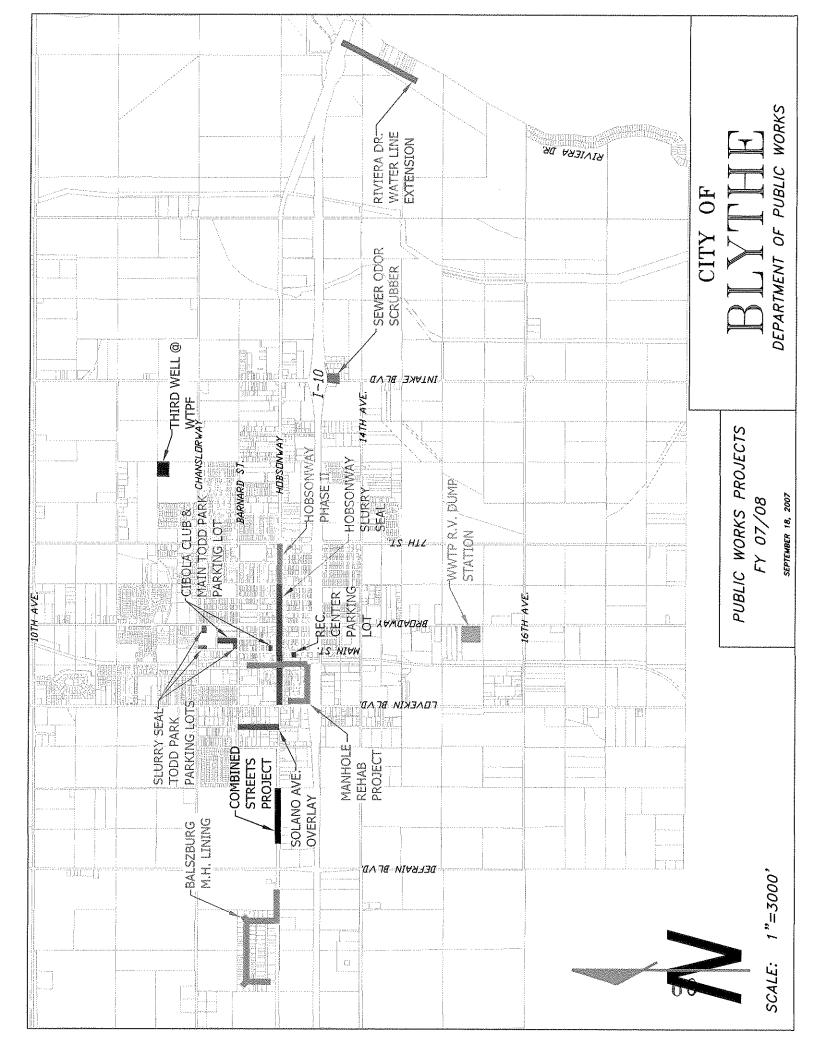
No action, for discussion only.

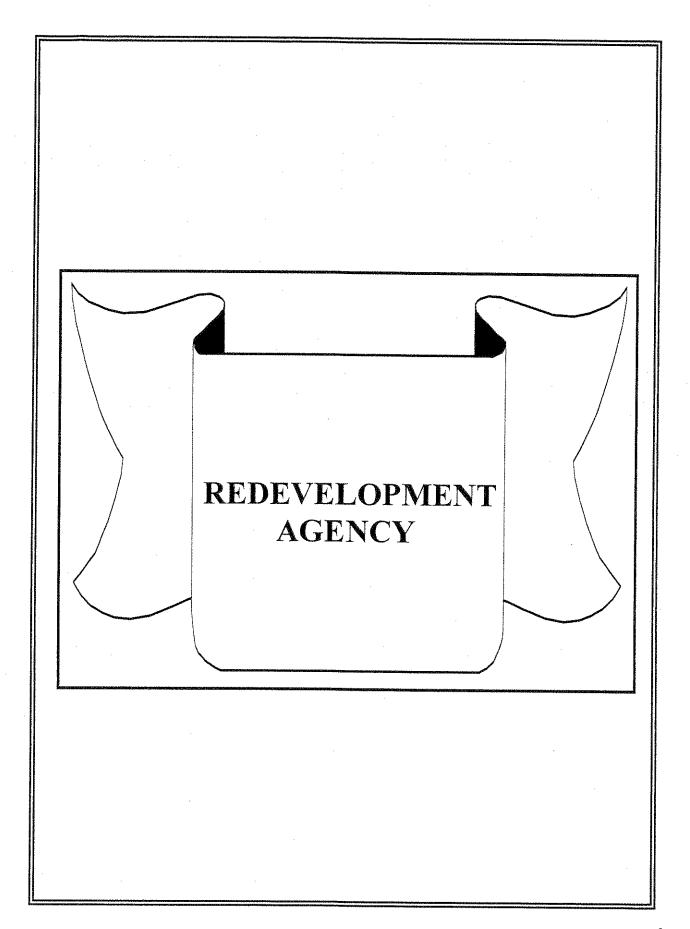
Concurrence: Les Nelson, City Manager \_

**ATTACHMENT** 

## 07-08 Public Works Projects

- Manhole Rehab Balszburg & City manholes (Designed and ready to bid)
- Third production well drilled at Water Treatment and Production Facility. (In-Design Plan to bid in November)
- Cibola Club, Todd Park main parking area (Scheduled for November with Public Works Crews)
- Slurry Seal and re-stripe Hobsonway 3<sup>rd</sup> Lovekin and Slurry Todd Park Parking (In final Design plan for November)
- Recreation Center Parking (Designed and ready to bid. Need to verify available funding.)
- Combined Streets Grind & Overlay W. Hobsonway between the Bowling Alley and K Mart (Not yet designed, in partnership with County of Riverside FY 07/08 Project most likely Spring)
- ADA ramps project (Need to identify ramps and bid. Specifications are ready In Spring.)
- Riveria Drive Water Line Extension ((Need to finish design, verify available funding, and get approval to modify scope and bid from Council)
- RV Dump Station at WWTP (In process but is requiring large amounts of fill dirt for grading of drive. Work being done by Public Works Crews. During FY 07/08)
- Hobsonway II Design (Has been surveyed and is in preliminary design. Construction for FY 08/09)
- Overlay Solano between Hobsonway & Barnard. (To be done by Public Works Crews. Spring 08)
- Sewer Odor Scrubber Intake & I-10 (In testing process for sizing at site)





# MINUTES BLYTHE REDEVELOPMENT AGENCY JULY 10, 2007

The July 10, 2007 regular meeting of the Blythe Redevelopment Agency was called to order by Chairman Crain in the Council Chambers. Also in attendance were Vice Chairman Grotke, Board Members Hernandez, and DeConinck. Staff in attendance included Executive Director Nelson and other Agency staff members. Absent: Board Member Mays.

BALSZBURG IMPROVEMENT PROJECT – STREET RECONSTRUCTION CONTRACT. Executive Director reported that water and sewer lines have been installed and the Balszburg Improvement Project is ready for the street reconstruction phase of work. Engineered Plumbing, Inc. (EPI) as the general contractor is finishing up their work: EPI is not doing the internal street reconstruction, per negotiation authorized in Executive Session at the June 26, 2007 meeting under Potential Litigation. As it relates to the street reconstruction, staff has requested bids for the work from 3 contractors. The RDA is pursing the street reconstruction under Emergency Procedures, pursuant to the following findings: 1.) The public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property. 2.)Action is necessary to respond to the emergency. 3.) Action cannot be delayed to receive bids through the City/Agency's formal bid procedure. No public comment.

Board Member DeConinck moved to authorize the Executive Director (or his designee) to award an emergency contract to the low responsive – responsible bidder for the Balszburg Street Reconstruction Project. Staff will ask the RDA Board of Directors to ratify the award at the regular meeting of August 14, 2007. Seconded by Board Member Hernandez. Unanimous Aye vote. Absent: Board Member Mays.

#### **ADJOURN:**

There being no further business to come before the Board the meeting was adjourned.

ATTEST:	Robert Crain, Chairman
Virginia Rivera, Secretary	

# MINUTES BLYTHE REDEVELOPMENT AGENCY AUGUST 14, 2007

The August 14, 2007 regular meeting of the Blythe Redevelopment Agency was called to order by Chairman Crain in the Council Chambers. Also in attendance were Vice Chairman Grotke, Board Members Hernandez, and Mays. Staff in attendance included Executive Director Nelson and other Agency staff members. Absent: Board Member DeConinck.

PALO VERDE HOSPITAL RDA FINANCIAL LOAN (This item was continued)

PROPERTY ACQUISITION –VACANT PARCEL ON SOUTH BROADWAY. Asst. City Manager Hull reported that the ½ acre parcel between DMV and the old Buy-Rite site on Broadway has had a limited Phase II hydrocarbon evaluation done on the north and south property lines. The (up-gradient) soil and water samples on the south property line also showed slight traces of hydrocarbon contamination. The tanks at the old Buy-Rite market were pulled years ago. This site is still an open case with the Regional Board. Relative to the use of the property, staff proposes to send a notice to property owners within 300 feet and post the subject property inviting comments to be heard at August 28, 2007 meeting about the Transit Agency using this site. Escrow is scheduled to close on this property on August 31, 2007. Public comment: Richard Contreras, 724 E. Michigan, said there a gas line running through the vacant lot. Staff and Council acknowledged there is a gas line, but that it would not interfere with the Transit use. Council also discussed the detected gasoline issue and continue the item to August 28, 2007 meeting and will received comments about the intended use of this parcel.

#### ADJOURN:

There	beina no	further!	nusiness to	o come	hefore the	Roard the	meeting was	adjourned
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ATTEST:	Robert Crain, Chairman
Virginia Rivera, Secretary	

## **Blythe Redevelopment Agency**

To:

**RDA Board of Directors** 

From:

Jim Rodkey, Public Works Director

Date:

**September 25, 2007** 

Subject:

Balszburg Neighborhood Improvement / Parking Lot

**Improvements** 

**Background:** During the first weeks of August 2007 Granite Construction completed the paving repairs at the Balszburg Neighborhood Sewer & Water Improvement Project. Granite Construction will also raise the utilities and complete their portion of the project in the next two weeks.

There remain three outstanding items for the Balszburg Neighborhood Improvement Project in order to complete it as designed. They are: 1.) ratifying the expenditure to Granite Construction for the paving; 2.) lining of the manholes; 3.) installation of the survey monuments.

During the meeting of July 10, 2007 the RDA Board of Directors directed staff to award an emergency contract to the low bidder to facilitate the paving of the Balszburg Neighborhood. The Board further directed staff to bring back the cost for ratification recognizing that the work would be performed prior to this meeting. Granite Construction was the low responsive bidder with a bid in the amount \$586,465. Attached are the three quotes for the paving cost that were received prior to signing the contract with Granite.

The additional manhole lining and survey monument installation has an estimated cost of \$95,000. This work requires authorization from the RDA to advertise for bids. There is sufficient funding in the project budget to complete the project as designed by Infrastructure Engineering Inc.

To further take advantage of the bidding process staff will include the FY 07/08 approved Manhole Rehabilitation Project locations to achieve a greater economy of scale with the lining project.

For discussion, if the RDA supports staff's recommendations, there will be a project balance surplus of approximately \$200,000 after the Balszburg Project is completed. Understanding that the RDA Board of Directors is desirous of paving city parking areas as part of the smaller type of projects, (i.e. Parks, Cibola Club, Recreation Center) staff proposes to create and shift the remaining fund balance to a new Parking Lot Improvements line item in the RDA Budget. This would supplement the current shortages in existing line items for the proposed improvements.

Also included in the project cost is the purchase of a used roller which will be used to assist Public Works crews with performing the parking lot improvements, excluding the parking lot at the Recreation Center, which will require a contractor to perform the improvements due to the equipment needed for the ribbon gutter and underground installations. The roller currently used by Public Works is too small (traditionally used for trench repairs) and not reliable to perform this type of work. It is also currently out of service in need of substantial repairs to the motor.

#### Recommendations:

- 1. Ratify the expenditure to Granite Construct Co, as the low responsible and responsive bidder, for the paving of the Balszburg Neighborhood Improvement Project in the amount of \$586,465.
- 2. Redevelopment Agency authorize staff to bid the manhole lining in Balszburg as part of the FY 07/08 Manhole Rehabilitation project and install survey monuments in the estimated amount of \$95,000.
- 3. Redevelopment Agency allocate the approximate \$200,000 balance surplus funds from the Balszburg Neighborhood Water & Sewer Improvement Project to a new line item in the RDA budget identified as "Parking Lot Improvements" to accomplish the identified parking lot improvements.

Concurrence: Les Nelson, Executive Director Oks Welson

**ATTACHMENT** 

# CITY OF BLYTHE BALSZBURG PAVEMENT REHABILITATION PROJECT - 2007

### July 23, 2007 12:00 PM

### **QUOTE RESULTS**

COMPANY NAME	QUOTE AMOUNT		
GRANITE CONSTRUCTION CO.	\$586,465.00		
CALMEX ENGINEERING, INC.	\$724,319.50		
G.L. GAYLER CONSTRUCTION CO., INC.	\$752,361.50		

Anticipated Final Contract Total: \$ 499,688.00

Original Contract Total (Granite Construction Co.): \$ 586,465.00

**Anticipated Contract Difference:** \$86,777.00 (Surplus)

**Anticipated Construction Completion Date: October 5, 2007** 

## **BALSZBURG COST BREAKDOWN**

Original Contract Amount	\$2,936,256.54	
Less Total Payments	(\$2,660,528.54)	
Contract Balance		\$275,728.00
Contract Project Balance Available	\$275,728.00	
Less Estimated cost to repair streets	(\$750,000.00)	
Balance Needed to Complete Project		(\$474,272.00)
Project Funding Available @ 06/30/07 (RDA)	\$867,093.00	
Less Estimated cost to repair streets (Previous Estimate)	(\$750,000.00)	
RDA Funding Available at end of Project (Previous Estimate)		\$117,093.00
Less Estimated cost to repair streets (Previous Estimate)	\$750,000.00	
Less Estimated cost to repair streets (Estimate)	(\$560,000.00)	
RDA Funding Available at end of Project (Previous Estimate)	\$117,093.00	
Actual RDA Funding Available at end of Project		\$307,093.00
RDA Funds Available	\$307,093.00	
Manhole Lining	(\$80,000.00)	
Monuments	(\$15,000.00)	
Remaining RDA Funding Available		\$212,093.00

## BLYTHE REDEVELOPMENT AGENCY

TO: RDA CHAIRMAN AND BOARD MEMBERS

FROM: A.C.M. - C. HUZ

DATE: SEPTEMBER 25, 2007

SUBJECT: CITY WIDE HYDROCARBON CLEAN-UP PROJECT FUNDING

ASSISTANCE

#### BACKGROUND:

On August 22, 2006 the Blythe City Council voted to modify the Contract with Holguin, Fahan and Associates (HFA) and continue with underground hydrocarbon clean-up project in the City. On March 27, and May 22, 2007 Agency Board members took favorable action to approve engaging in Category II work, (as identified in the new contract) in the amount of approximately \$76,000. As part of the new contract staff was able to identify different scopes of work and corresponding payment responsibility and negotiate better terms (interest delayed for one year) for work done in advance of payment from the USTF. That contract also identified the maximum exposure for the City for this type of work as \$100,000 for any twelve month period.

We are now bumping into the interest deadline on some older work authorized by the USTF. Payment details are outlined for 35 different submittals on the attached summary from Typically, the detail for the August 11, 2004 Reimbursement Request (RR) shows the USTF paid \$17,416 of the \$20,220 request, staff declared \$2,804 ineligible for reimbursement. According to this same table, as of August 15, 2007, there is a total of \$85,560 in outstanding RR that are pending, deductibles, or have been declared ineligible for some reason. All of the following relate to "old" invoices (post 2002 in the original Contract). There is \$13,301 in pending amounts are in the pipeline for eventual payment, another \$31,020 that has been declared ineligible by USTF staff and finally, \$41,239 listed as deductibles yet to be collected. Staff spoke with a Chevron Oil representative recently about deductibles due on two sites in the center of town. That \$20,000 check should be received within 30 days.

Much like the Revolving Account necessary to make large payments for recent Public Works projects, the hydrocarbon recovery project has invoices that must be paid in a timely manner. With a maximum \$100,000 exposure in any 12 month period and the sporadic reimbursements coming in from the USTF, staff sees

benefit in using the RDA Revolving Account concept, on a much smaller scale, to occasionally make those payments required to keep current with our Contractor and avoid the interest penalties on year old invoices.

#### RECOMMENDATION:

- 1. Staff recommends the Agency authorize staff to create the Revolving Account for the Hydrocarbon Clean-up Project, bringing the request for authorization to transfer funds back to the Agency Board for each transaction, and
- 2. Staff recommends the RDA authorize payment of aged invoices to HFA to avoid interest penalties in the amount of \$85,560.

Concurrence by RDA Executive Director: Okolelson

STATEMENT OF ACCOUNTS
CATEGORY I AND IS WORK
BLYTHE ENVIRONMENTAL REMEDIATION PROJECT
BLYTHE, CALIFORNIA

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### Charles Hull

From:

Steve Edelman [Steve\_Edelman@hfa.com]

Hi Butch.

Sent: Monday, August 27, 2007 10:11 AM

To: Charles Hull

Cc: Mark Fahan; Andy Holguin; Lori Clinto KNOW (FYON Subject: draft Blythe email

Attachments: Blythe balance inv 8-31-07.pdf; ATTO AND D THIS PROVIDE 4 YOU. The end of August will mark the 1 year anniversary of our new contract. In accordance with the 1 year grace period under the contract, invoices are now aging and interest will accrue unless paid. The attached Statement of Account (SOA) shows the total amount owed by the City to avoid interest accrual. Our Accounting department is sending you an invoice for this amount, but I wanted to send a copy ahead with some information to help understand the charges.

The SOA spreadsheet lists every invoice that (1) was not settled by the settlement agreement ("post 2002"), AND (2) has been submitted and received a response from the USTCF. So this includes all unsettled invoices, except the recent ones for which we don't yet have a response and therefore are not getting close to the 1 year interest trigger. This SOA includes all Category I and II work, which we are treating the same from as far as aging/interest. We have done no Category III work.

As the SOA shows, the total amount due is \$95,162. This amount consists of \$41,239 in deductibles (which is a one time cost that should settle all remaining deductibles, and \$20,000 of which will be paid soon by Chevron to the City); \$27,223 is "pending" and may be reimbursed -- these reimbursements will go the the City: and \$26,700 is actual "ineligible" costs. Of the ineligible amount, about half is RTA and unreimbursed costs of trying to get Well#7 replaced, and the other half is actual technical denials.

The reimbursement performance on these invoices (all invoices for all work since 2002) is as follows: Of \$1,216,781 invoiced, USTCF found \$1,146,850 eligible, for a minimum 94.3% "hit rate" and, if pending amounts are ultimately reimbursed, 96.5%.

Under the contract, the amounts showing 352 days since submittal are the pre-contract invoices that were captured under the new contract, and are due 8/31/07 (1 year from date of contract). Interest should accrue starting 9/1/07, but since HFA took a while to get this SOA/invoice to you, we're extending the due date to 9/30/07 to allow you time to process payment without accruing interest.

Please review and feel free to call with any questions.

Thank you,

Steven Edelman, Vice President of Technical Services Holquin, Fahan & Associates, Inc. 1003 East Cooley Drive, Suite 201 Colton CA 92324 t 909,422,8988 ext. 13 f 909.422.8099 cell 805.294.3633 Steve Edelman@hfa.com www.hfa.com

### **Charles Hull**

From:

Todd McFarland [Todd\_McFarland@hfa.com]

Sent:

Friday, September 14, 2007 3:53 PM

To:

Charles Hull; Helen Colbert

Cc:

Steve Edelman; Mark Fahan

Subject:

Blythe Environmental Remediation Project - SOA and principal balance now due - Updated 9-

13-07

Attachments: BLYTHE INVOICES 9-13-07.pdf

Butch/Helen,

As a follow-up to our meeting on September 11, 2007, I've discussed the current principal balance due with Mark Fahan and Steve Edelman. Based on the contract terms, I've updated the spreadsheet and total amount currently due, which is now \$85,560.

I've left several messages for Mike Bauer at Chevron regarding their outstanding obligation of \$20,000 in deductibles. As of the date and time of this email, I have not heard back.

Please let me know if you have any questions.

Thanks - Todd

### TODD G. MCFARLAND, PG, SENIOR GEOLOGIST

Holguin, Fahan & Associates, Inc. 1003 East Cooley Drive, Suite 201 Colton, California 92324 Office: (909) 422-8988 ext. 12

Fax: (909) 422-8099 Mobile: (805) 294-8147

E-mail: Todd\_McFarland@hfa.com

TO:

RDA Chair and Board Members

FROM:

**Executive Director** 

SUBJECT:

450 S. Broadway - PVVTA Facility Design Services

DATE:

September 25, 2007

### **BACKGROUND**

As the RDA Board of Directors is aware there are 5 smaller inter-related projects at various stages in progress:

- 1.) CNG Fueling Station
- 2.) RV Dump Station
- 3.) Demolition of 101 W. Murphy
- 4.) Demolition of 125 W. Murphy
- 5.) Relocation of PVVTA to 450 S. Broadway
- CNG Fueling Station Staff and our consultant Gladstein, Neandross & Associates (GNA) still consider the Miller Park site as the ultimate site for the CNG fueling station. With construction funding in-hand, the start of this project is predicated on site availability.
- 2.) RV Dump Station Currently at Miller Park (ultimate site of CNG Fueling Station) this public use facility is in process of being relocated to the City's WWTP on S. Broadway. Anticipated relocation date is February 2008. Work on CNG Facility can start thereafter.
- 3.) Demolition of 101 W. Murphy This work was approved by the RDA Board at the meeting of August 28<sup>th</sup>. The building is currently being vacated, then this lot will be converted to additional parking and an "entrance" to this City's Civic Center block. Demolition should take place before the end of the calendar year.
- 4.) Demolition of 125 W. Murphy This building is currently "housing" PVVTA, but it will be demolished as soon as the Transit Agency can relocate to the 450 S. Broadway site, property the RDA Board of Directors approved for purchase at the August 28<sup>th</sup> meeting.
- 5.) Relocation of PVVTA to 450 S. Broadway This property will "house" the Transit Agency. Site development can be financed through Transit funding sources (TDA/STA monies) or through the RDA, and then sold or leased back to PVVTA. My sense is moving forward with the RDA and selling/leasing back the facility is probably quickest (e.g. PVVTA will likely have to amend its Short Range Transit Plan through Riverside County Transportation Commission), but staff will confer with RCTC staff to see if they have a preference.

Obviously before the PVVTA facility is constructed it has to be designed. Staff believes this work should begin in the very near term, and is requesting that the \$20,000 budgeted for alternative hospital site analysis. (#971-00-463-46-899-200) be reprogrammed for design of the PVVTA's facility on 450 S. Broadway.

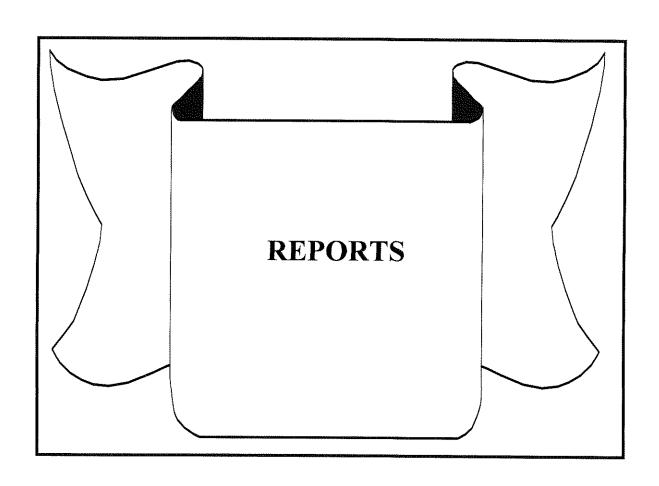
### **RECOMMENDATION**

It is recommended that the RDA Board of Directors approve reprogramming \$20,000 for the design of PVVTA's Administration/Operations facility at 450 S. Broadway.

Respectfully submitted,

Les Nelson

**Executive Director** 



### CITY COUNCIL MEETING SEPTEMBER 25, 2007 CITY MANAGER'S REPORT

- 1. After what seems like months of dithering about, I believe the Palo Verde Hospital, and more specifically the Palo Verde Healthcare District, has finally found some solid ground from which it can push off and start to move forward. Forced by necessity to accept a demotion from a General Acute to a Critical Access hospital designation the Healthcare Board has successfully disarmed the State-imposed regulatory time bomb. The redesignation takes the Palo Verde Hospital out of jeopardy with its State license (Department of Health Services) while retaining its certifications for Medicare and Medicaid payments (Centers for Medicare and Medicaid Services). Unfortunately, for the time being Palo Verde Hospital has essentially (in my opinion) been reduced to an Emergency Room and 25 beds for ambulatory patient care. This obviously is far from a perfect situation and it certainly is not the level of patient care the community wants or expects from its hospital in the future. But for now it is a "core" service that can financially survive what most consider is a dysfunctional organizational structure, and it has effectively created some potential new opportunities to change the dynamics of the stalemated Healthcare District/Management/Medical Staff inter-relationships. From my outsider's view, there is perhaps now some semblance of a path to get beyond this point, some encouraging signs there are possible solutions in the future to address the identified health care delivery problems.
- 2. In terms of the Golf Course Recovery Plan, it is apparent that some clarifications are necessary based on what staff has heard and read:
  - A.) The Golf Course deficit is not \$1 million a year. That amount is a deficit that has accumulated over about the last 10 years, and it would have been about \$1.1 million at the end of FY07-08 if nothing (or even something minimal) had been done.
  - B.) Course improvements this year include cart path extensions, reconstruction of the sand traps (for drainage reasons) on the 9<sup>th</sup> and 18<sup>th</sup> holes and improvements to the driving range. Staff would welcome suggestions from the playing public as to course improvements they would like to see.
  - C.) Changing the Golf Course fee schedule was not an arbitrary knee-jerk reaction, and the Committee struggled with 10 different iterations of the fee schedule trying to be fair and responsive to financial problem. Further, unlike many communities, the City never considered a fee differential for permanent residents versus seasonal residents. Lastly there is no increase in cost for Juniors until the third year of plan (FY09-10).

- D.) The Budget Committee had strong feelings the City needed to change the financial direction at the Golf Course after facing the facts of the situation. The Golf Course cost the City about \$1.78 per hole/per round (based on 32,000 players), yet fully half of the rounds played are paid for with an Annual Pass which generates on average about .70¢ a hole. Frankly speaking, the Golf Course was/is financially insolvent. Per my view the City could fix the situation, lease the course out or try and sell the golf course. The Recovery Plan is the decision by Council to try and fix the problem.
- 3. Miscellaneous . . . Public Works has received a "No further action required" letter regarding its underground gasoline clean-up effort . . . the State Water Resources Control Board will use the City Hall Multi-Purpose Room on Wednesday (9-25-07) to conduct a public meeting to ". . . announce groundwater sampling in Colorado River Region . . . " . . . Golf Course is taking credit cards for payment . . . 20 businesses in Blythe generate 75% of the sales tax . . . according to the County Assessor's Annual Report, Blythe's assessed valuation increased 12.9% in 2007 over 2006, the 14th largest percentage increase of the 24 cities in Riverside County . . . per my understanding the Palo Verde Valley Economic Development Partnership (through DACE) may have received a \$50,000 USDA grant for marketing the Blythe area for business attraction . . . LAFCO staff will recommend to the LAFCO Board of Directors (on 10-25-07) that Blythe be placed in the Coachella Valley Mosquito & Vector Control District's sphere of influence, which obligates the City to nothing but provides an opportunity should the city one day look to contract its' Vector control service . . . attached herewith is the Golf Course overseeding schedule. which indicates the course will be closed from September 24th through October 19th . . . the Recreation Center will host a "sleep over" for K-5th grade on October 26th as part of the Homecoming activities.

Respectfully submitted.

Les Nelson City Manager



### City of Blythe Golf Course & Parks Deptartment

# MEMO

Date:

August 29, 2007

From:

Jim Lanphere

**Golf Course/Parks Superintendent** 

To:

Les Nelson, City Manager

Willie Getchell, PGA Professional

**Department Heads** 

Re:

2007 Golf Course Overseeding Schedule

The golf course will perform its annual overseeding this year according to the schedule below. Assuming that everything proceeds according to plan, the schedule is pretty concrete. If any change is necessary, I will inform everyone at the earliest possible moment. Thanks in advance for your cooperation.

September 6 Water off F9 September 13 Water off B9

September 15 Duffers Golf Tournament

September 17 F9 Closes
September 24 B9 Closes
October 2 First Mow F9

October 4 PVUSD Cross Country

October 9 First Mow B9

October 11 PVUSD Cross Country

October 19 F9 Opens

October 26 B9 Opens-Full Course Open

October 26 PVUSD Homecoming Tournament

November 8 PVUSD Cross Country

Sponsored by Blythe Recreation Department and the Blythe Teen Club.



# HOME COMING SLEEP OVE

OCTOBER 26TH

Parents, let us watch your little one(s) while you enjoy the evening. There will be lots of fun things for everyone to do through out the night.

### When

Friday, October 26th thru Saturday, October 27th

### Where

Blythe Recreation Center

127 S. Main Street

Blythe

### Time

9:00 p.m. to 9:00 a.m. Saturday morning

Doors open at 8:45 p.m.

**Grades** 

K thru 5th

### Fee

\$25.00 per child or \$3.50 an hour

Price includes, snacks, morning cereals, arts & crafts, movies and game prizes.

# Registration now going on! Space is limited.

Things to bring: Pjs, favorite toy, your teddy bear or dolly, also sleeping bag (thick), pillow and blankets. We will be sleeping in the gym. Non-spiked tents welcomed. For more information call Susanna Flores at (760) 922-4266 or visit the Recreation Center.

## TEEN VOLUNTEERS NEEDED



